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The First of Boston's Book
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The BOOK of the General

21. 3. 6.

L A W S

21. 3. 6.

OF the INHABITANTS of the
J U R I S D I C T I O N of

New-Plimouth,

Collected out of the RECORDS of the
GENERAL COURT,

And lately Revised:

And with some Emendations and Additions Established and Disposed into such
Order as they may readily Conduce to General Use and Benefit.

And by the Order and Authority of the GENERAL COURT of New-Plimouth Held
at Plimouth, June 2d. Anno Dom. 1685. Reprinted and Published;

Plymouth Colony.

Nathaniel Clerk Secr^t.



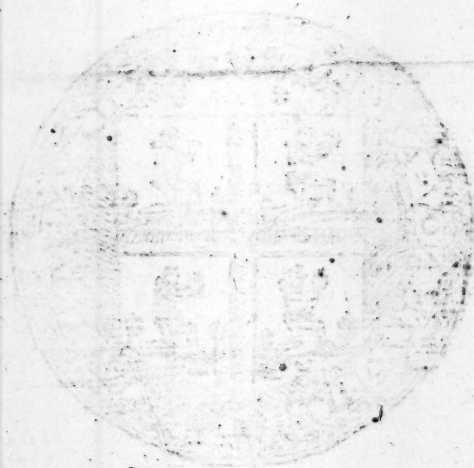
Be subject to every Ordinance of Man for the Lords sake, 1 Pet. 2. 13.

✓ BOSTON In NEW-ENGLAND:

Printed by Samuel Green. 1685.

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A Preface.



A P R E F A C E,

Declaring the Warrantable Grounds and Proceedings of the first
ASSOCIATES of the Government of

New---Plimouth;

In their Laying the first Foundation of this Government, in their
Making of LAWS, and Disposing of the LANDS within
the same.

By Lee. Morton. Belknap's Press.

VV Hereas John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and divers others, the Subjects of our late Sovereign Lord JAMES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. Did in the eighteenth Year of His Reign of England, France and Ireland; and of Scotland the fifty four (which was in the Year of our Lord God 1620.) undertake a Voyage into that parts of America, called Virginia, or New-England thereunto adjoyning; there to Erect a Plantation and Colony of English, intending the Glory of God, the Inlargement of His Majesties Dominions, and the special Good of the English Nation. And whereas, by the good providence of our Gracious God, the said John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton and their Associates Arrived in New-England aforesaid, in the Harbour of Cape Cod or Paomet, Stituate and being in New-England aforesaid, where all the said Persons entred into a civil Combination (being the eleventh of November, in the Year aforementioned) as the Subjects of our said Sovereign Lord the KING, to become a Body Politick; Binding our selves to observe such Laws and Ordinances, and obey such Officers, as from time to time should be made and chosen for our well-Ordering and Guidance. And thereupon, by the favour of the Almighty, began the first Colony in New-England (there being then no other within the said Continent) at a place called by the Natives *Apaum*, alias *Patuxet*; but by the English, *New-Plimouth*. All which Lands being void of Inhabitants; We the said John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and the rest of our Associates, Entering into a League of Peace with *Massasoit*, since called *Wosamequin*, Prince or Sachem of those Parts: He the said *Massasoit* freely gave them all the Lands adjacent to them, and their

The Combination of the first Associates 1620.

A Preface.

Heirs for ever; acknowledging himself content to become the Subject of our Sovereign Lord the KING aforesaid, His Heirs and Successors; and taking Protection of us the said *John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton*, and their Associates, the natural Subjects of our Sovereign Lord the King aforesaid: But having no special Letters, Patents for the said Parts of *New-England*; but only the general leave and liking of His Majesty aforesaid, for the free Exercise of the liberty of our Consciences in the publick Worship and Service of God, wherever we should settle. Being therefore now settled and Desiring and Requesting special License and Commission from His Majesty, for the ordering our Affairs under his Gracious Protection, had sundry Commissions Made and Confirmed by His said Majesties Council for *New-England*, to *John Pierce* and his Associates, (whose Name we only made use of, and whose Associates we were) in the late happy and memorable Reign of our said Sovereign Lord King *James*: but finding our selves still straitned, and a willingness in the Honourable Council aforesaid, to enlarge us; partly in regard of the many Difficulties we had undergone, and partly in regard of the good Service done, as well in relieving His Majesties Subjects as otherways: We procured a further Enlargement, under the Name of *William Bradford* aforesaid, and his Associatess; whose Names we likewise used (and whose Associates, as formerly we still are) By vertue of which Letters, Patents, liberty is given unto us, derivatory from our Sovereign Lord, King *Charles*, bearing Date the thirteenth of *January*, 1629. being the first Year of His Reign of *England, Scotland, France and Ireland*; and Signed by the Right Honourable *Robert* Earl of *Warwick*, in the behalf of the rest of His Majesties said Council for *New-England*, and Sealed with their common Seal; allowed to Frame and Make Orders, Ordinances and Constitutions, for the Ordering, Disposing and Governing of our Persons, and Distributing the Lands, within the said Limits; to be holden of His Majesty, His Heirs and Successors, as of His Mannor of *East-Greenwich*, in the County of *Kent*, in free and common Soccage, and not in Capite, nor by Knights Service, *viz.* All that part of *New-England* in *America*, and Tract and Tracts of Lands that lie within or between a certain Rivolet or Runlet there, commonly called *Coahasset*, alias *Conahasset*, towards the North, and the River commonly called *Narrbagan-set* River, towards the South; and the great Western Ocean towards the East; and between and within a streight Line directly extending up into the main Land towards the West; from the mouth of the said River, called *Narrbagan-set* River, to the outmost Limits and Bounds of a Countrey or Place in *New-England*, commonly called *Pokenacut*, alias *Puckenakick*, alias *Sawaamset* Westward: and another like streight Line, extending it self directly from the mouth of the said River called *Coahasset*, alias *Conahasset* towards the West, so far up into the main Land Westwards as the outmost Limits of the said Place or Countrey, commonly called *Pokenacut*, alias *Puckenakick*, alias *Sawaamset* do extend; together with one half of the said River called *Narrbagan-set*, and the said Rivolet or Runlet called *Coahasset*, alias *Conahasset*, and all Lands, Rivers, Waters, Havens, Creeks, Ports, Fishings, Fowlings, and all Hereditaments, Profits, Commodities and Emoluments whatsoever, Scituate, Lying and Being, or arising within and between the said Limits, or Bounds, or any of them.

Furthermore, all that Tract of Land, or part of *New-England*, or part of *America* aforesaid, which lieth within or between, and extendeth it self from the outmost Limits of *Cobbisecontee*, alias *Comaseconte*, which adjoyneth to the River of *Kenebeck*, alias *Kenabekike* towards the Western Ocean, and a place called the *Falls* at *Nequamkike* in *America* aforesaid; and the space of fifteen English Miles on each side the said River commonly called *Kenebeck* River:

and

Liberties
granted by
our Patent.

A Preface.

and all the said River called *Kenebeck*, that lieth within the said Limits and Bounds Eastward, Westward, Northward or Southward last above-mentioned; and all Lands, Grounds, Soyles, Rivers, Waters, Fishings, Hereditaments and Profits whatsoever, Scituate, Lying and Being, Arising, Happening or Accruing, or which shall Arise, Happen or Accrue in or within the said Limits or Bounds, or either of them; together with free Ingress, Egress and Regress with Ships, Boats, Shallops, and other Vessels from the Sea, commonly called the Western Ocean, to the said River called *Kenebeck*, and from the said River to the said Western Ocean; together with all Prerogatives, Rights, Royalties, Jurisdictions, Priviledges, Franchises, Liberties and Immunities; and also Marine Liberty with the Escheats and Casualties thereof (the Admiralty Jurisdiction excepted,) with all the Interest, Right, Title, Claim and Demands whatsoever, which the said Council and their Successors now have or ought to have, or may have and require hereafter, in or to any of the said Portion or Tract of Lands hereby mentioned to be Granted, or any the premises, in as Free, Large, Ample, and Beneficial manner to all Intents, Constructions and Purposes whatsoever, as the said Council by vertue of His Majesties said Letters, Patents may or can Graunt: To Have and to Hold the said Tract and Tracts of Land, and all and singular the premises above mentioned, to be granted with their and every of their Appurtenances, to the said *William Bradford*, his Heirs, Associates and Assigns for ever; to the only proper and absolute use and behoof of the said *William Bradford*, his Heirs, Associates and Assigns for ever; Yielding and Paying unto our said Sovereign Lord the King, His Heirs and Successors for ever, one fifth part of the Oar of the Mines of Gold and Silver; and one other fifth part thereof to the President and Council, which shall be had, possessed and obtained within the Precincts aforesaid, for all Services and Demands whatsoever; allowing the said *William Bradford*, his Associates and Assignes, and every of them, his and their Factors, Agents Tenants and Servants, and all such as he or they shall send and imploy about his said particular Plantation; shall and may from time to time, freely and lawfully go and return, Trade and Traffick, as well with the *English* as any of the *Natives* within the Precincts aforesaid; with liberty of Fishing upon any part of the Seacoast and Sea-shores of any the Seas or Islands adjacent, and not being Inhabited, or otherwise disposed of by Order of the said President and Council, forbidding all others to Traffick with the *Natives*, or Inhabit any the said Limits, without the special leave of the said *William Bradford*, his Heirs or Associates; and allowing the said *William Bradford*, his Heirs and Associates, to take, apprehend, seize and make price of all such Persons, their Ships & Goods as shall attempt to Inhabit or Trade with the Salvage People, as aforesaid, &c.

Moreover, whereas in the first beginning of this Colony, divers Merchants and others of the City of *London*, and elsewhere, adventured divers Sums of Money with the aforesaid *John Carver*, *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton*, and the rest of their Associates, on certain terms of Partnership, to continue for the term of seven years. The said term being expired, the Plantation, by reason of the manifold losses and crosses, by Sea and Land, in the beginning of so great a work, being largely Indebted, and no means to pay the said Debts but by the sale of the whole; and the same being put to Sale, We the said *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton*, and other our Associates, the Inhabitants of *New-Plimouth*, and elsewhere, being loth to be deprived of our Labours, bought the same, for, and in consideration of eighteen hundred pounds Sterling, with all, and singular the Priviledges, Lands, Goods, Buildings, Chattels, Ordnance, Munition, or whatsoever appertained to the said Plantation or the Adventurers thereunto belonging; as appeareth by a Deed between the said *Isaac Allerton*, then Agent for the said *William Bradford* and his Associates on the one part, and *John Pocock*, *Robert Keyn*, *Edward Basse*, *James Sherly* and

The Associates
Purchase of
the Merchants
Adventurers,

A Preface.

And their further Right in respect of Vacancy, Donation & Purchase of the Natives, to Give and Grant Lands, &c.

John Beauchamp on the other part; being thereunto deputed by the said Merchants, and the rest Adventuring as aforesaid; as appeareth by a Deed, bearing Date Nov. 6th. in the third Year of the Reign of our Sovereign Lord *Charles*, by the Grace of God King of *England, Scotland, France and Ireland, &c.* Anno Dom. 1627. Be it Known therefore unto all Men by these presents, that according to our first intents, for the better effecting the glory of God, the enlargement of the Dominions of our said Sovereign Lord the King, and the special good of His Subjects; by virtue as well of our Combination aforesaid, as also the several Graunts by us procured in the Names of *John Peirce* and *William Bradford*, their Heirs, and Associates; together with our lawful Right, in respect of Vacancy, Donation or Purchase of the Natives, and our full Purchase of the Adventurers before expressed; have given unto, Allotted, Assigned and Granted to all and every person or persons, whose Name or Names shall follow upon this publick Record, such proportion or proportions of Grounds, with all and singular the privileges thereto belonging, as aforesaid, to him or them, his or their Heirs, and Assigns successively for ever; to be Holden of His Majesty of *England*, His Heirs and Successors, as of His Mannor of *East-Greenwich*, in the County of *Kent*; in free and common Soccage, and not in Capite, nor by Knights Service; yielding and paying to our said Sovereign Lord the King, His Heirs and Successors for ever, one fifth part of the Oar of the Mines of Gold and Silver; and one other fifth part to the President and Council, which shall be had, possessed and obtained as aforesaid. And whatsoever Lands are or shall be granted to any by the said *William Bradford*, *Edward Winslow*, *William Brewster*, *Isaac Allerton*, their Heirs or Associates as aforesaid; being acknowledged in publick Court, and brought to the publick Records of the several Inheritances of the Subjects of our Sovereign Lord the King, within this Government; it shall be lawful for the Governour of *New-Plimouth* aforesaid, from time to time successively, to give under the common Seal of the Government a Coppy of the said Graunt so Recorded; Confirming the said Lands to him or them, his or their Heirs and Assigns for ever; with the several Bounds and Limus of the same, which shall be sufficient Evidence in Law from time to time, and at all times, for the said party or parties, his or their Heirs or Assigns; to Have and to Hold the said portion of Land so Granted, Bounded and Recorded as aforesaid; with all and singular the Appurtenances thereunto belonging, to the only proper use and behoof of the said party or parties, his or their Heirs and Assigns for ever.

CHAP.

The Copy being Imperfect most of these Errata's following happened thereby.

Page 3 of the Preface, Line 14. Read acquire. p. 2 of the Book l. 29. for was. r. was. p. 3. l. 21. because &c. begins the second Section. l. 36 r. Recorder: p. 6. l. 21. r. Sureties. p. 7. l. 46. r. fifth. p. 10. l. 29. r. wilfully. l. 37 r. as. p. 17. l. 42 r. as. p. 20. l. 39. r. each. p. 21. l. 4. r. each. p. 23. l. 15. r. this. p. 26. l. 25. dele ing. p. 27. l. 17. add the. p. 28 Title *Dues* p. 30. l. 16 r. County. p. 30. l. 4. r. Country. l. 40 r. Country. l. 42. r. Country. p. 33. l. 9. r. if. l. 26. r. as. l. 44. r. or. p. 34. l. 11. r. seized. l. 13. r. nature. p. 36. l. 48. r. suspect. p. 39. l. 15. r. Mare. l. 15. r. hitherto. p. 44. l. 3. r. accused. l. 8. r. sue. l. 11. r. of. p. 48. l. 37. r. if. p. 50. l. 24. r. pions. p. 54. l. 20. r. hundred. p. 56. l. 19. r. Town. p. 61. l. 35. r. if. p. 53. l. 18. after Swear dele 3. the same &c. follows in the second Section. l. 32. r. signed and. p. 69. l. 19. r. the plantations p. 71. l. 8. r. make. p. 72. l. 14. r. Ward. p. 74. l. 38. dele with. p. 75. l. 2. r. I have Attached the Goods or Lands of said A. B. to sufficient value, and left Summons at his House or place of usual Abode, &c.



CHAP. I.

The General

Fundamentals.

Anno. 1636. and Revised 1671.

1. **W**EE the Associates of the Colony of New-Plimouth, coming hither as free born Subjects of the Kingdom of England, Endowed with all and singular the Priviledges belonging to such: Being Assembled,

Do Enact, Ordain and Constitute; that no Act, Imposition, Law or Ordinance be Made or Imposed upon us at present or to come, but such as shall be Enacted by consent of the body of Freemen or Associates, or their Representatives legally assembled; which is according to the free Liberties of the free born People of England.

Laws to be made by the Freemen or their representatives.

2. And for the well Governing this Colony: It is also Resolved and Ordered, that there be a free Election annually, of Governour, Deputy Governour and Assitants, by the Vote of the Freemen of this Corporation.

Annually chosen by the free men

3. It is also Enacted, that Justice and Right be equally and impartially Administred unto all, not sold, denied or causelessly deferred unto any.

Justice to be equally and speedily administred.

4. It is also Enacted, that no person in this Government shall suffer or be indamaged, in respect of Life, Limb, Liberty, Good Name or Estate, under colour of Law, or countenance of Authority, but by Virtue or Equity of some express Law of the General Court of this Colony, or the good and equitable Laws of our Nation, suitable for us, in matters which are of a civil nature (as by the Court here hath been accustomed,) wherein we have no particular Law of our own. And that none shall suffer as aforesaid, without being brought to answer by due course and process of Law.

None to suffer but according to Law and by due course & process of Law.

5. And that all Cases, whither Capital, Criminal, or between man and

All Trials to
be by Jury

man, be Tried by a Jury, of twelve good and lawful men, according to the Commendable custome of *England*, except where some expresse Law doth referre it to the judgment of some other Judge or Inferiour Court where Jury is not; in which Case also, any party agrieved, may Appeal and have Trial by a Jury.

with liberty to
challenge any
of the Jury.

And it shall be in the liberty of any person, that is to be tried by a Jury to challenge any of the Jurors, and if the challenge be found just and reasonable by the Bench, it shall be allowed, and others without just exception shall be Impannelled in their room: And if it be in case of Life and Death, the Prisoner shall have liberty (according to the Law of *England*) to except against twenty of the Jury without giving any reason for the same.

what testimo-
ny required in
cases

6. That no Person shall be Cast, Condemned or Sentenced in any Case Capital, Civil or Criminal without the testimony of two sufficient Witnesses, or other sufficient Evidence, or Circumstances equivalent thereunto, unless in any particular Case the Law hath otherwayes provided.

Power to
make Wills

7. And it is Enacted; Being the Priviledge of our Charter; That all Persons of the Age of *twenty one* Years, of right understanding and memory, whether Excommunicated, Condemned, or other, having any Estate properly theirs to dispose of, shall have Power and Liberty to make their reasonable Wills and Testaments, and other lawful Alienations of their Lands and Estates; be it only here excepted, That such as are sentenced for Treason against the King's Majesty, or Realm of *England*, or other Capital crimes, shall forfeit to the King or Colony, for the carrying on the Charge of Government, their personal Estate: Their Lands and real Estate being still at their disposal.

An Exception.

The great end
of our coming
into this Wil-
derness was Li-
berty to enjoy
the pure wor-
ship of God
without of-
fence to others

8. That whereas the great and known end of the first Comers in the year of our Lord, 1628. leaving their dear Native Country, and all that was dear to them there; transporting of themselves over the vast Ocean, into this remote wast Wilderness, and therein willingly conflicting with Dangers, Losses Hardships and Distresses, sore, and not a few Wars, that without offence, they under the protection of their Native Prince, together with the enlargement of his Majesties Dominion, might with the liberty of a good Conscience enjoy the pure Scriptural worship of God, without the mixture of humane inventions and impositions; and that their Children after them might walk in the Holy wayes of the Lord: And for which end they obtained leave from King *James* of happy Memory, and His Honourable Council: with farther Graunts from His Gracious Majesty, *Charles* the I. and His Honourable Council, by Letters, Patents for sundry Tracts of Land, with many Priviledges therein contained for their better Encouragement to proceed on in so Pious a Work, which may especially tend to the propagation of Religion, &c. as by Letters, Patents more at large appeareth; with further assurance also of the continuance of our Liberties and Priviledges, both civil and Religious under the Royal hand and Seal of our Sovereign Lord King *Charles* the II. And whereas by the good hand of our God upon us, many others since the first comers, are for the same end come unto us, and sundry others rise up amongst us, desirous with all good Conscience, to walk in the Faith and Order of the Gospel, whereby there are many Churches gathered amongst us, walking according thereunto: And whereas (by the Grace of God) we have now had above sixty Years experience of the good constancy of these Churches, with Loyalty to our Prince, civil Peace and Order, and also with spiritual Edification, together with the welfare and tranquility of the Government.

The Churches
of Christ to be
protected.

It is therefore for the honour of God and the propagation of Religion, and the continued welfare of this Colony, Ordered by this Court and the Authority thereof, That the said Churches already Gathered, or that shall be orderly Gathered, may and shall from time to time by this Government be Pro.

Protested and Encouraged in their peaceable and orderly walking, and the faithful, able, orthodox Teaching Ministry thereof duly encouraged and provided for: together with such other orthodox, able Dispensers of the Gospel, which shall or may be placed in any Township in this Government, where there is or may be defect of Church Order.

9. And finally, It is Ordered and Declared by this Court and the Authority thereof, that all these foregoing Orders and Constitutions are so Fundamentally Essential to the just Rights, Liberties, Common Good, and Special End of this Colony, as that they shall and ought to be inviolably preserved.

And the Ministers of the Gospel to be provided for

All the foregoing Fundamentals inviolably to be preserved,

CHAP. II.

Actions.

1. IT is Ordered by this Court and the Authority thereof; That all Actions about Title of Land, shall be first Tried in the County where the Lands lieth; and all other Actions Tryable at a County Court shall be Tried at any of the Counties, where either Plaintiff or Defendant dwelleth or resideth, as the Plaintiff pleaseth: and all Actions Tryable at Select Courts shall be Tried at that Town where either Plaintiff or Defendant dwelleth; as the Plaintiff seeth cause: and any Action Tryable before a Magistrate, one of the Parties must live or reside in the County where the Magistrate lives or resides, unless both Parties be Strangers, because much time is lost in the beginning of Courts of Tryals and Appeals, by neglect of timely Entering of Actions.

Title of Land to be tried in the County where it lieth; other Trials where one of the parties dwell. Trials before Magistrate

2. It is therefore Enacted by this Court, &c. That Actions shall be Entered upon or before the first day of the Courts Sitting, and not after: and in case any Plaintiff shall delay his Entry longer than the Forenoon of the first day of the Court, he shall pay *ten shillings* to the Countrey or Counties use, besides the ordinary Fees for Trial of Actions; to this end all Marshals and Constables are required to make their Returns of all Summons and Attachments, and their doings therein under their hands, sometime at or before the first sitting of the Court that is to take cognizance of the Case; or seasonably give to the Party the Summons or Attachment Sealed up and directed to the Clerk of the Court to which the same is Returnable.

Time of Entry of Actions

Time of return of warrants by the Marshal or Constable

3. That the ordinary settled Charges for Entering of Actions, shall be *fifteen shillings and six pence* at a Court of Assistants; which shall be thus divided, *two shillings* to the Secretary, *six pence* to the Marshal, *two shillings* to the Foreman of the Jury, and *one shilling* a piece to the rest of the Jury: and at a County Court, there shall be paid *nine shillings* for Entering an Action, to be divided according to former custom, unless the County Courts have otherways agreed with their Officers, and made Provision for their Jurors: and for Entering an Action at a Select Court shall be paid *three shillings*: and on a Tryal before a Magistrate, shall be paid *three shillings*: for a Witness Sworn at home, *one shilling*, and *two shillings* a day for a Witness that tends the Court; and if the Defendant obtain a Verdict, he shall not only have his Cost allowed for Witnesses, as abovesaid; but *two shillings and six pence* per day

Charges of Tryals

day for what time he hath necessarily attended on the Action, which shall be given without Suit; and this shall bar the Defendant from Suit, unless by Imprisonment or otherwayes he hath been more than ordinarily damaged.

4. Whereas in Suits and Actions brought into Courts between Party and Party, sometimes the Plaintiff, and sometimes the Defendant, and sometimes neither of them do attend the Call to Prosecute or Answer, to the great abuse of Court and Jury, and others concerned in the Case, and is contrary to the laudable Customs of all Courts in our Native Countrey, and elsewhere:

Penalty on the Plaintiff,

The Defendant

It is therefore Ordered and Enacted, That if any Plaintiff have Entred an action to be Tryed in any Court, or which comes by Replevin, Review, or otherwise, and doth not by himself, or by his Attorney, make their appearance, and Prosecute their Action after they have been three times called in Court, they shall be Non-sued; and if the Defendant appear not to such Call, the Plaintiff appearing, the Suit shall nevertheless proceed: and if Plaintiff or Defendant appear at their Call, they shall have their Costs granted against him that appeared not: and if afterwards both Parties do agree to try the Case at the same Court, they shall be allowed so to do; the Plaintiff paying for a new Entry.

What shall be grounds of Non-suit and what not

5. It is Enacted by this Court, That in all Summons or Attachments, the special ground of the Action shall be expressed, and that a Circumstantial Error in a Summons or Warrant, shall not be taken as a sufficient ground for a Non-suit, where otherwise both the Party and Case intended may be Rationally understood; and it shall also be expressed in the Warrant in what quality the Plaintiff Sues, whether as Principle, Attorney, Guardian, or otherwise.

No further Plea after the case is committed to the Jury

6. And all Persons, whither Parties or Witnesses are Injoynd to Attend their Respective Concerns the whole time of the Courts publick sitting, until they are Issued, and shall present the whole Plea or Evidence before the Case be committed to the Jury; and no other Plea or Evidence be Admitted to any Person, any Usage or Custom to the Contrary notwithstanding.

Warrants when to be served.

7. That all Warrants, whither to Attach or Summons any to answer to any Action or Presentment, shall be Served five compleat working dayes before the first day of the Court,

Summons or Attachments shall be a sufficient Warrant.

8. That a Summons or Attachment from any Magistrate, or Person that is Authorized for that End, shall be sufficient Warrant to bring any Person within this Government to Answer to any Civil Action or Complaint commenced against him; and where there is Attachments, they shall be granted against the Estate, and for want thereof the Person.

Plaintiff's liberty to withdraw

9. It is also Ordered, That it shall be at the liberty of any Plaintiff to withdraw his Action at any time before the Jury bring in their Verdict, if he see cause: In which Case he shall allow the Defendant full cost, and may afterwards Renew his Suit at another Court.

Vexatious Suits.

10. Be it Enacted, That no man in any Suit or Plaint against another shall falsely pretend great Damages, or Debts, to vex or discredit his Adversary; and in all Cases where it appears to the Court that the Plaintiff hath willingly wronged the Defendant in commencing Suit, or prosecuting complaint or Indictment against him, he shall pay unto the Defendant double costs, besides damage, and be Amerced to the Country or County, not exceeding

ding *five pounds*, as the Case may be circumstanced for such his vexatious Suit or Plaint.

11. Be it also Enacted, That a Jury bringing in a Verdict, the Court concurring and accepting it, Judgement be forthwith entered, if they concur not, the Jury may be put upon farther consideration of the Case; and if they Retain their Verdict, it shall be accepted, and Judgment entered accordingly.

When Judge
ment to be en-
tered

12. It is further Enacted, That in case a Plaintiff obtain not a Verdict, or be not satisfied therewith, having new Plea, or Evidence, he may Review his Action, if he see cause: As likewise may the Defendant, but must bring their Review where the Action was first Commenced; but if either Party be cast in their Review, and go on to Review a second time, and be cast, they shall be accounted Vexatious and Troublesome to the Court, and to the Party Prosecuted, and shall be Awarded to pay double cost to the Party, and *twenty shillings* fine to the County.

Review

13. That no Attachment or Summons shall be granted in any Civil Action to any Foreigner against a settled Inhabitant of this Jurisdiction, or against a Forreigner before he hath given sufficient security, or caution duly to Prosecute his Action, and to answer the Defendant such Cost and Damages as the Court may award, on penalty of making good the Damage by the Granter.

Foreigners to
give Security
to respond
Costs before
Summons or
Attachment
granted.

14. And it is further Ordered, That in all Attachments of Goods and Chattels, Lands or Hereditaments, whether it be by Forreigners or settled Inhabitants, Legal notice shall be given to the Party concern'd, either personally or by leaving a Copy of the Summons, or Attachment, five compleat working dayes before the Court, at the House or place of, or that was his usual abode before the Suit proceed; but if he be out of the Jurisdiction, the Cause notwithstanding shall proceed to Tryal; and if Judgment pass for the Plaintiff, it shall be Entered, but Execution shall not be granted until the next Court, and that the Plaintiff hath given sufficient Security to be Responsible to the Defendant, if he shall Reverse the Judgment within one Year, or such further time as the Court shall see cause to order.

In Attachment
of Goods, &c.
Legal notice
to be given
to the parties
concerned

And in what
case Execution
shall be respo-
nded,

15. Be it Enacted, That henceforth Lands or Goods, Attach to a Tryal shall not be Released upon the Appearance of the Party or Judgment given, but shall stand engaged until the Judgment or the Execution granted upon the said Judgment be discharged; provided Execution be levied thereon within one Month after Judgment: and that where any Marshal or Constable, or their lawful Deputie, shall by virtue of any Warrant Attach any mans Person, he shall take Bond of him with sufficient Security, or Sureties, bound to such Officers for his or their Appearance at the Court Attached to, and to abide Tryal; and in case of Appeal, to the Court Appealed to, till the Judgment be there Entered; and that the Person Attached be forth-coming any time within six dayes after Judgment, for the Plaintiff to lay his Execution on, if he see cause; after which time the Surety to be cleared: The officer shall make his Return, and Indorse his Bond on the back-side of the Attachment, or take the Bond and return the same with the Attachment to Court: And if any Person Attached shall neglect or refuse to give Bond, or sufficient Security, he shall by said Officer be delivered to the Jaylor of the County, who shall keep him in Custody until six dayes after Judgment, or till Released by the Party, at whose Suit Attached, and the Plaintiff Levy his Execution afterwards as the Law Directs.

Lands or goods
Attach when
to be released
and when not.

And so of
Bonds and sur-
ties.

How the Offi-
cer shall make
his Return

and when the
Officer shall
deliver the
Person to the
Jaylor

Attorneys allowed

16. Liberty is granted by this Court to any person, to improve one or two Attorneys in any Civil Action, to help him in his Pleas, provided they be persons of good Repute, and such as the Court shall approve; and the said Attorneys are Required as to be faithful to their Client, so also to avoid fraudulent Pleas, that may have a tendency to mislead the Court, or darken the Cause: and in no Case shall be allowed for Attorneys more than *five shillings*; Attorney or Attorneys at Select Courts, or Magistrates Courts to be allowed but *two shillings* in any Case.

Barratry punished

17. And it is Enacted, that if any Person be proved a common Barrater, by vexing others with unjust, frequent and troublesome Suits, it shall be in the power of the Court, both to eject his Cause, and punish him for his Barratry by Fine or Imprisonment.

Who Bailable.

18. It is Ordered, That no man's Person shall be Restrained, Imprisoned by any Authority whatsoever, before the Law hath Sentenced him thereunto, if he can put in sufficient Security, Bail or Mainprize for his Appearance and good Behaviour in the mean time, unless it be in Crimes Capital, and Contempt in open Court, or in such Case where some express Act of the General Court doth allow it.

No Levy on Lands where Goods found nor Surety Detained where principle sufficient, nor Beast of Plough or Draught.

19. It is Ordered, That no Debt be Levied on Lands or Rents so long as the Debtor hath Goods and Chattels to be found to satisfy; neither shall the Pledges or Suits be Distreined, so long as the Principle or sufficient Estate of the Principles can be found, nor Beasts of the Plough or Draught for Debt, if others may be found to satisfy it, except for Damage feizant.

Replevin

20. That every Man shall have liberty to Replevy his Chattel or Goods Impounded, Distreined or Seized, unless it be upon Execution after Judgment, or for payment of Rates or Fines; Provided he put in Security to Prosecute his Replevin, and to satisfy such Damage and Charge, as his Adversary shall Recover against him in Law.

Age, Ability,

Age of Discretion

21. It is Ordered by this Court and the Authority thereof; That none shall have power to pass away Lands, Hereditaments, or other Estate; or be capable of Sueing, or being Sued at any Court in their own Person; neither shall give Votes, Verdicts or Sentence in any Civil Court or Cause, until he or they attain unto the age of *twenty one years*: But any Parent or Master, shall or may Require and Sue for Satisfaction for any wrong or damage done their Children or Servants. And any Orphan may have liberty to chuse their Guardian to act for them at *fourteen years*; to Secure or Defend their Estate, or otherwise act for them as may be requisite, the Court allowing thereof; and the Court may chuse and appoint Guardians for such as are under *fourteen years*: But in any matter Criminal, as well younger as elder, shall be liable to Answer for the same in their own persons.

Appeals

Liberty to appeal.

22. It is Ordered by this Court and the Authority thereof; That it shall be the liberty of any Person or Persons Cast or Sentenced, in Cases Civil or Criminal, to Appeal, if from the Sentence or Determination of a Magistrate or Select Court, or other Person Impowred to hear and determine in any Case as before, unto a County Court; and any may Appeal from a County

County Court to a Court of Assistants; alwayes Provided, they tender their Appeal in *twenty four* hours after Judgment, and the Court not Dissolved, and put in Security before the Judges of the Court (or according to their Order) to Prosecute their Appeal to effect, and to satisfie all Damage before Execution granted: and in Criminal Cases, besides such Bond, to give Bond with Security for their good Behaviour until the time of the Court they Appeal to. And all Appeals shall be Recorded at the charge of the Party Appealing; and the Appellant shall briefly in Writing, by himself or Lawful Attorney, under his or their hand, deliver into the Clerk of the Court, or Person Appealed from (which shall be done without reflecting upon either Court or Party) the Grounds and Reasons of his Appeal, five complete working dayes before the first morning of the Court Appealed to; to which Court the Clerk of the Court, or Person Appealed from, shall return said Writing timely to the Court, and give Copies thereof to the Defendant, he desiring and paying for the same. And whosoever shall Appeal to the County Court, and not prosecute his Appeal, besides his Bond, shall forfeit *twenty shillings* to the County; and whosoever shall Appeal to the Court of Assistants, and not prosecute the same, shall in like manner pay *forty shillings* to the Countrey.

22. It is Ordered, That no person that sat as Judge, and Voted in any inferior Court, shall Judge or Vote in any Court Appealed to, unless the Judges Appealed from be more than the Judges Appealed to; in which Case, it may be judged by the whole: in all Appeals the case to be judged by the same Evidence, and no other than what was used in the Court Appealed from, unless it appear either party were hindred from putting in any Evidence in their case, that of by Right and Law they should not have been hindred of; the said Court to confirm or reverse the Judgment, or to increase or to abate the Damage, as they may see cause, according to Law; and the Party that Appeals, shall bring in the whole case, as left on file, and bring a Certificate that he hath so done; and if he recover the charge, shall be allowed in his cost.

Who shall not
sit as Judge, or
Vote in Court
appealed to.

Apprizements

23. **A**ND for the Apprizement of Lands, Goods, or Chattels, Levied or Taken in Execution or Distress;

It is Ordered, &c. That the Party whose Estate is to be Prized, shall chuse one Prizer, and the person which is to receive the Estate prized, shall chuse another Prizer; and in case either party neglect to chuse, the Marshal or Constable shall chuse one for him: and if two chosen agree not, the said Officer shall be the third Prizer: And where the party concerned refuseth to set forth suitable Estate, both as to the Specie due, and nearness of the Sum to be Levied or Distreined, there the Marshal or Constable shall seize such Estate as may best suit thereunto; to be equally, and indifferently prized, according to the Specie due, and not overprized: And in case the Debt to be Levied or Distreined, be above *twenty pounds*, that then it shall be in the liberty of either party to chuse two Prizers, and upon their not-agreement, the Officer shall be the first Prizer; and in case the Officer is put to make choice of Prizers; such Prizers shall be paid by the Officer for their time, to be Levied or Distreined with the other Debt or Damage: and if any person which shall be so chosen by the Officer, shall refuse to be a Prizer, he shall be fined *five shillings* to the County, and the Officer shall chuse another in his room.

CHAP III

Bills & Bonds

Debts by Specialty good to Assigns.

1. IT is Enacted by this Court ; That any Debt due by Bill, Bond or other Specialty, shall be as good a Debt to the Assigns, as it was to the Assigner, and as Recoverable by Suit ; Provided the Assignment be under hand of the Assigner, and the Assignment duly proved.

Book-Debts

In what case actions for Debt by Book or Account to be brought within 3 years

2. IT is Ordered by this Court and the Authority thereof ; That all Debts due by Book or Account, that are now due to any Person, shall be required, received, or his Action for the same brought within three years after this present Session, or they shall from thence be for ever barred their Action for the same, unless it be where either party is beyond Sea, under age, or *non Compos mentis*.

Merchants, Tradesmen & Dealers books

3. It is Ordered by this Court ; That every Merchant, Factor, Shop-keeper, Trades-man or Dealer, shall keep a Book of their Dealings and Trading, fairly written down, both Debt and Credit ; an Account out of which Book compared in open Court, and Sworn to by said Merchants, Factors, Shop-keepers, Tradesmen or Dealer, or any of them, or their, or either of their Servants, it shall be accounted sufficient for proof of said Debt ; Provided the same be put in Suit within six years after the Debt is contracted, any Law, Custom, or Usage to the contrary notwithstanding : nevertheless if the Defendant will take his Oath, he had not by himself or any other, by his Order or Account the Goods charged, or that he had paid for the same, then shall the Case be judged according to the strongest presumption the parties concerned shall produce.

What Testimony sufficient thereunto

Debts to be paid in specie.

4. It is Ordered, That all Debts be paid in Specie, according to Contract.

What testimony good in a Specialty.

5. It is Ordered ; That one positive Testimony Sworn to a Bond, or Bill, or other Specialty, or to an Account, and he not a party, the same not denied by the Defendant, shall be accounted good proof in Law for the same : and in any matter Criminal, the confession of the party, or the Fact seen or heard by him who is the proper Judge thereof, or one positive Witness, and the party not denying, or one positive Witness, and concurring circumstances, shall be sufficient to convict any person in any Crime, the penalty whereof exceeds not *ten shillings*.

What in some Criminals.

Bridges

Defects in Bridges & High-ways to be presented, &c.

6. IT is Ordered by the Court and the Authority thereof ; That all defective Bridges and High-ways, the Countrey, County, Town, or particular persons, that of right ought to make and maintain the same ; for neglect or defect therein, shall be liable to be Presented to the County Courts ;

who

who as the case is circumstanced, shall lay Countrey, County, Town or Person that is defective under such penalty as to them shall seem meet; that they in such time as shall be Ordered, Repair or make such Bridge or Way as is presented; and if they neglect or refuse to perform the same, within the time set, besides such Fine as is laid on them, shall pay double Damage to any particular Person that may suffer by reason thereof: and if it be the occasion of the Death, of any person after the time set them, for making or repairing the same, the Countrey, County, Town or Person defective shall be liable to such reasonable satisfaction or fine to the Relations, as the Court shall judge meet.

CHAP. IV.

CAPITAL LAWS.

IT is Enacted by this Court, and the Authority thereof, That if any Person having had the knowledge of the true God, openly and manifestly, have or worship any other God but the Lord God, he shall be put to Death. *Exod. 22. 20. Deut. 13. 6, 10.*

Idolatry

2. If any Person within this Jurisdiction professing the True God, shall wittingly and willingly presume to Blaspheme the Holy Name of God the Father, Son, or Holy Ghost, with direct, expresse, presumptuous, high-handed Blasphemy, either by wilful or obstinate denying of the True God, or his Creation, or Government of the World, or shall curse God the Father, Son or Holy Ghost, such Persons shall be put to Death, *Levit. 24. 15, 16.*

Blasphemy

3. Treason against the Person of our Sovereigne Lord the King, the Realm and Common-wealth of *England*, shall be punished by Death.

Treason

4. That whosoever shall Conspire and Attempt any Invasion, Insurrection, or publick Rebellion against this Jurisdiction and His Majesties Authority here established, or surprize any Town, Plantation, Fortification or Armunition therein provided for the safety thereof; or shall treacherously and profideously attempt and endeavour the Alteration and Subversion of our Fundamental Frame and Constitution of this Government, every such Person shall be put to Death.

Conspiring against this Jurisdiction and His Majesties authority here established.

5. If any Person shall commit wilful Murther, by Killing any Man, Woman or Child upon premeditated Malice, Hatred or Cruelty; not in a way of necessity and just Defence, nor by Casualty against his will, he shall be put to Death.

Wilful Murther premeditated.

Murther in
sudden pas-
sion.
through guile
or poysoning.

6. If any Person slayerh another suddainly in anger and cruelty of passion, he shall be put to Death.

7. If any person slay another through Guile, either by poysoning or other diabolish practice, he shall be put to Death.

Witchcraft,

8. If any Christian (so called) be a Witch; that is, hath or consulteth with a Familiar Spirit, he or they shall be put to Death.

Bestiality.

9. If any Person lyeth with a Beast, or Bruit Creature by carnal copulation, they shall surely be put to Death, and the Beast shall be slain and buried, and not eaten.

Sodomy.

10. If any Man lyeth with Man-kind as he lyeth with a Woman, both of them hath committed abomination, they both shall surely be put to Death, unless one party were forced, or were under fourteen years of Age; and all other Sodomitical filthiness shall be severely punished according to the nature of it.

False witness.

11. If any Person rise up by false Witness, wittingly and of purpose to take away a Mans Life, he shall be put to Death.

Man stealing.

12. If any Man stealeth Mankind, he shall be put to Death, or otherwise grievously punished.

13. If any Child or Children above sixteen years old, and of competent understanding, shall curse or smite their natural Fathers or Mothers, he or they shall be put to Death; unless it can sufficiently be proved that the Parents have been very negligent in the Education of such Children, or so provoked them by extrem and cruel Correction, that they have been forced thereunto to preserve themselves from Death or Maiming.

Curfing or
smiting father
or mother

14. If any Man shall Ravish a Maid or Woman, committing carnal copulation with her by force, that is above the Age of ten Years; or if she were under the Age of ten Years, though her will was gained by him, he shall be punished with Death, or some other grievous punishment.

Willful burn-
ing of Houses,
Ships, &c;

15. Whosoever shall willingly, or on purpose burn any House, Ship, Barque, or any other Vessel of considerable value; such person shall be put to Death, or otherwise grievously punished as the Case and circumstances of of it may require.

An Act for the Restraining and Punishing Privateers and Pirates in pursuance of His Majesties Special Directions and Command; by the General Court Summoned for that End, July, 4th. 1684.

Articles in all
Treaties of
peace agreed
on by His Ma-
jesty, to be in-
violably kept
by His Sub-
jects.

16. Whereas nothing can more Contribute to His Sacred Majesties Honour, then that such Articles are concluded and agreed on in all Treaties of Peace, should by His Majesties Subjects, according to their duty, be most Inviolably preserved, and kept in and over all His Majesties Dominions and Territories; And whereas, not only against such Treaties of Peace made by His Majesty, with His Allies, but also contrary to His Majesties Royal Proclamations: Several of His Subjects have, and do continually go off from this Colony, into Forraigne Princes Services, and Sail under their Commissions, contrary to their Duty and good Allegiance, and by fair means cannot be restrained from so doing.

Be it therefore Enacted by this General Court and Authority thereof, and it is hereby Enacted by the Authority of the same, that from and after Publication hereof, it shall be Felony for any person which now doth, or within

within four years last past, heretofore hath, or hereafter shall Inhabit or Be-
long to this Colony, to serve in *America*, in an Hostile manner, under any
forreign Prince, State or Potentate, or any imployed under any of them, a-
gainst any other Prince, State or Potentate, in amity with His Majesty, with-
out especial License for so doing, under the Hand and Seal of the Govern-
nour or Commander in chief of this Colony for the time being. And that
all and every such Offender or Offenders, contrary to the true intent of this
Act, being thereof duely convicted in any of His Majesties Courts of Judi-
cature within this Colony; to which Court Authority is hereby given to
hear and determine the same, as in other cases of Felony, shall suffer pains
of Death, without benefit of the Clergy.

Provided nevertheless, that this act, nor any thing therein contained,
shall extend to any Person or Persons, which now are or have been in the
Service or Imployment of any forreign Prince, State or Potentate whatso-
ever, that shall return to this Colony, and save and desert such Service and
Imployment, before the tenth day of December next ensuing: rendering them-
selves to the Governour or Commander in chief for the time being; and gi-
ving him such Security as he shall appoint for their future good behaviour;
and also that they shall not depart this Colony without the Governours
leave.

*And for the better and more speedy Execution of Justice upon such, who having
committed Treasons, Piracies, Felonies, and other Offences upon the Sea, shall be
apprehended in, or brought Prisoners to this Colony:*

Be it further Enacted by the Authority aforesaid, That all Treasons, Fe-
lonies, Piracies, Robberies, Murthers, or Confederacies committed, or that
hereafter shall be committed upon the Sea, or in any Haven, Creek or Bay,
shall be Enquired, Tried, Heard, Determined, and Judged within this Colo-
ny, in such like form, as if such Offence had been committed in and upon
the Land; and to that end and purpose Commissions shall be had under the
great Seal of this Colony, directed to the Judge or Judges of the Admiralty of
this Colony for the time being; and to such other substantial Persons as by His
Majesties Governour or Commander in chief for the time being, shall be named
or Appointed; which said Commissioners, or such a Quorum of them, as by
such Commission shall be thereunto Authorized, shall have full power to do
all things in and about the Enquiry, Hearing, Determining, Adjudging and
Punishing of any of the Crimes and Offences aforesaid, as any Commis-
sioners to be appointed by Commission under the great Seal of *England*, by
vertue of a Statute made in the XXVIII. Year of the Reign of King *Henry*
the eighth, are Impowred to Do and Execute within the Kingdome of *En-
gland*. And that the said Offenders which are or shall be Apprehended in, or
brought Prisoners to this Colony, shall be liable to such Order, Procees, Judg-
ments and Execution, by vertue of such Commission to be grounded upon
this Act, as might be Awarded or Given against them, if they were procee-
ded against within the Realm of *England*, by vertue of any Commission
grounded upon the said Statute.

And all Trials heretofore had against such Criminal or Criminals, before
any Judge or Judges by vertue of such Commission or Authority, at any
time heretofore granted; and all Proceedings thereupon, are hereby Ratified,
Confirmed and Adjudged lawful: and all such Judges, with all and every the
inferiour Officers that have acted thereby, are hereby Indemnified to all In-
tents and Purposes whatsoever. And in case they, or any of them shall at
any time hereafter, be Sued, Vexed, Molested or Troubled, for any such their
Proceedings aforesaid; he or they so Sued, Vexed or Molested, shall Plead the
General Issue, and give the Act in Evidence; Any Law, Statute, Custome,

Felony to serve
in hostile man-
ner any For-
reign Prince,
&c. against a-
ny in amity
with His Ma-
jesty without
Licence.
And to suffer
pains of death

unless return-
ing within the
time limited.

Treasons, Spi-
racies, Felonies
&c. though
committed
on the Sea, if
hither brought
within this Co-
lony.
shall be pro-
ceeded against
as if commit-
ted on the land
by Commission
to the Judges
of the Admir-
ty & others.
Their power,

And Indemnifi-
cation.

or Usage to the contrary in any wise notwithstanding.

The Abettors
of Privateers,
&c. to be pun-
ished as acces-
saries.

And it is further Enacted by the Authority aforesaid; That all and every person or persons that shall any way knowingly Entertain, Harbour, Conceal, Trade or Hold any Correspondence, by Letter or otherwise, with any person or persons, that shall be Deemed or Adjudged to be Privateers, Pirates, or other Offenders, within the construction of this Act; and that shall not readily endeavour to the best of his or their power to Apprehend, or cause to be apprehended such Offender or Offenders, shall be liable to be Prosecuted as Accessaries and Confederates; and to suffer such pains and penalties as in such case by Law is provided.

And for the better and more effectual Execution of this Act;

What is requi-
red of Com-
mission officers
in pursuance
of this act.

Their power

Be it further Enacted by the Authority aforesaid; That all Commission Officers in their several Precincts within this Colony, are hereby required and impowred, upon his or their Knowledge, or notice given, that any Privateers, Pirates or other Persons suspected to be upon any unlawful design, are in any place within their respective Precincts, to Raise and Levy such a number of well Armed Men, as he or they shall think needful for the seizing, apprehending & carrying to Goal all and every such person or persons; and in case of any resistance or refusal to yield Obedience to His Majesties Authority, it shall be lawful to kill or destroy such person or persons; and all and every person or persons, that shall oppose or resist, by Striking or Firing upon any of the commanded parties, shall be deemed, taken, and adjudged as Felons, without benefit of the Clergy. And every such Officer that shall omit or neglect his duty herein, shall forfeit fifty pounds current Money of this Colony, for every such Offence, to be recovered in any of His Majesties Courts of Record within this Colony, by Bill, Plaint, or Information, wherein no Essoign, Wager of Law or Protection shall be allowed; one moiety thereof to be to our Sovereign Lord the King, His Heirs and Successors, for, and towards the support of the Government of this Colony, and the contingent charges thereof; and the other moiety to the Informer: and all and every person or persons, that upon Orders given him or them, shall refuse to repair immediately with his or their Arms well fixed, and Amunition, to such place or places as shall be appointed by the said Officer, and not readily obey his Commands in the Execution of the premises, shall be liable to such Fine or corporal Punishment, as by a Regimental Court Marshal shall be thought fit,

penalty of their
neglect

Penalty of the
Souldiers not
obeying their
Officers orders
in execution of
the premises.

CHAP. V.

Childrens Education

I. *Forasmuch as the good Education of Children and Youth is of singular use and benefit to any Common wealth; and whereas many Parents and Masters either through an over respect to their own Occasions and Business, or not duly considering the good of their Children and Servants, have too much neglected their Duties in their Education whilst they are young and capable of Learning.*

Select men
care that all
Children and
Servants be
brought to Re-
cord

It is Ordered; That the Select men of every Town, shall have a vigilant Eye from time to time over their Brethren and Neighbours, to see that all Parents and Masters do duely endeavour by themselves or others, to teach their Children and Servants as they grow capable, so much Learning as through

through the blessing of God they may attain; at least to be able duely to read the Scriptures, and other profitable Books Printed in the *English* Tongue; and the knowledge of the Capital Laws; and in some competent measure, the main Grounds and Principles of Christian Religion, necessary to Salvation; by causing them to learn some orthodox Catechisme without book, or otherwayes instructing them, as they may be able to give a due answer to such plain and ordinary questions as may by them or others be propounded to them concerning the same. And further, that all Parents and Masters do breed and bring up their Children and Apprentices in some honest lawful Calling and Employment, that may be profitable for themselves and the Country. And if after Warning and Admonition given by any of the Select Men unto such Parents or Masters, they shall still remain negligent in their duty, in any of the particulars aforementioned, whereby Children or Servants may be in danger to grow Barbarous, Rude and Subborn, and so prove Pests in stead of Blessings to the Country; That their ~~of ten shillings~~ shall be Levied on the Goods of such Negligent Parents or Masters to the Towns use, except extream poverty call for a Mitigation of the Fine. And if in three Months after that, there be no due Care taken, and continued for the Education of such Children and Apprentices as aforesaid; then a Fine of *twenty shillings*, to be Levied on such Delinquents to the Towns use; except as aforesaid. And lastly, if in three Months after that, there be no Reformation of the said Neglect, then the Select Men, with the Advice of the ~~Magistrates~~ shall put such Children to Apprentices, Boys till they come to *twenty one*, and Girls eighteen years of Age, where they may be Educated according to the Rules of this Order.

And Catechised.

Or put out where they may.

Coopers, & Cask.

1. **I**T is Ordered by this Court and the Authority thereof, That all Barrells that shall be made in this Government for Pork, Beef and Oyl, Beer, Ale, Sider, shall be one and thirty Gallons and a half; and that all such Cask be made of sound and well seasoned Timber. And that every Cooper Brand-mark his Cask with a distinguishing Brand-mark, on the penalty of the forfeiture of all Cask that are not so made and marked, the one half to the informer, the other half to the County. It is Ordered, that from the first day of September next, no Tar shall be put into or exposed to Sale or Transportation but in Cask, the great Barrells containing no less than fifteen Gallons and the small Barrells no less than ten Gallons. All Cask for Tar to be branded by the Cooper before disposed of; and all Barrells of Tar, small or great, that are not Branded, and of a full Gage, to be forfeited, half to the Informer, and half to the County.

Gage of Cask.

And Brand.

Clerks.

2. **I**T is Enacted by this Court and the Authority thereof; That the Clerk of the Courts of Assistants, and Clerks of the County Courts, shall in convenient time before the sitting of each Court, send Warrants signed, as Clerk or Recorder of such Court, to the Constables of the Respective Towns, for Jurors to serve upon the Grand Inquest, and for Tryals: The Recorder of the Court of Assistants to *Plimouth*, and the Neighbour Towns; and the Clerk of the County Courts to the several Towns of the County, who shall upon the receipt of such Warrant give timely notice to the Town to

Clerks & Recorder to issue forth warrants for the Towns to their Jurors to serve on the Grand Inquest and for tryals.

Meet together, to chuse so many Able, Discreet Men as the Warrant shall require; which Men so chosen, shall by the Constable be warned to attend the Respective Courts they are chosen to serve at; and shall make timely return of the Names of the Jurors so chosen to the respective Court, Indorsed on the said Warrant. The Grand Jury shall serve for a Year; and the Jury of Tryals only at the Court Summoned to serve at.

Constables.

The Towns to chuse their Constables and Town-clerk to return their Names to Court

penalty of Constables non-appearance to take Oath

None to be compelled to serve again in seven years

Liberty to make his Deputy.

Constables to collect all rates levy Fines, serve Attachments, Sumons & Executions, warn Town-meetings pursue hue & cries

Have a black Staff

1. **I**T is Enacted, That every Town in this Colony (under the Penalty of five Pounds to the use of the County, in which such Town lyes) shall Annually chuse one or two meet Men to serve in the office of Constable; and such Persons so chose, shall be returned by the Town-Clerk to the first County Court, which shall be held in each County next after the Court of Election Annually; who being warned by the former Constable, shall there appear to be sworn; which if he shall neglect to do, and do not within one week after such Court, present himself to a Magistrate to be sworn, he shall pay a Fine of five pounds to the Town, to be Levied by a Warrant from a Magistrate on such Delinquents Estate, and delivered to one of the Select men for the Towns use; and such Town shall forthwith chuse another; and if he refuse or neglect to present himself to a Magistrate within a week after such choice to be sworn, shall be fined in like manner; and to as oft as any shall refuse.

2. *And because a Constables place, as it is a place of trust is also Burthen some:*

It is therefore Ordered, That if any man have born the office of Constable, he shall not be compelled to Serve in the same Office in this Colony in seven years after.

3. That if any Constable within this Colony have occasion to go out of the Township wherein he is Constable, for some time, he shall depute some meet person in his room; or in case he be any way disabled to perform his Office; or otherwise desire to make a Deputy, he shall have liberty so to do by agreement with him, and impowring him under his hand; which Deputy shall execute the Constables Office as the Constable might do; Provided always, that a Constables Deputy, if required by Authority, in matters Criminal, or Summoned by the party in matters civil, shall give his Oath to any Return he makes to any Warrant, Distress, Summons or Attachment; the Constable to respond his Deputies defaults or non-performance of the Constables Office.

4. That the gathering of County Rates, County Rates, Town Rates, Ministers Rates, and also the Levying of Fines, in the respective Towns, the serving of Attachments, Summons and Executions, directed to him from any lawful Authority now established, and the Warning Town meetings, shall belong to the Office of a Constable; and also to pursue Hue and Cries directed to them from any Authority here, and from any of our neighbour Colonies.

It is Ordered by the Court and the Authority thereof; That the Constable shall Whip or Punish any to be punished by Order of Authority, or procure another to do it; (Provided, an Indian or Negro shall not Whip an Englishman) where there is no other Officer appointed to do it, or in default, pay ten shillings, out of which shall another be Hired to do that Service.

5. It is Ordered, &c. That every Constable shall have a black Staffe, (provided

vided at the charge of the Town, Tipped with Brass, as a Badge of his Office, which as he hath opportunity shall take with him when he goeth to discharge any part of his Office; yet notwithstanding, the want of his Staff shall not hinder him from Executing his Office in any kind, if occasionally he be without it, nor exempt any from assisting him therein that may know him to be the Constable: but where he hath a Warrant in Writing, he shall not need to have his Constables Staff in executing the same.

6. It is further Ordered; That any and every person tendred to any Constable of this Jurisdiction, by any Constable or other Officer of our own, or belonging to any foreign Jurisdiction in this Countrey, or by Warrant from any such Authority, shall be presently received and conveyed forthwith from Constable to Constable, till they be brought to the place to which they are sent, or before some Magistrate of this Jurisdiction, who shall dispose of them as the Justice of the cause shall require: and all Hues and Cries shall be duly received and diligently pursued to full effect: And where no Magistrate is near, every Constable shall have full power to make, sign and put forth Pursuits of Hues and Cries after Murderers, Man-slayers, Peace-breakers, Thieves, Robbers, Burglars, and other Capital Offenders; as also to Apprehend without Warrant such as are overtaken with Drink, Swearing, Sabbath-breaking, Vagrant Persons, Night-walkers, provided they be taken in the manner, either by the sight of the Constable, or by present information by others: As also to make search for all such persons, either on the Sabbath day or other, when there shall be occasion, in all Houses Licensed to Sell either Wine or Beer, or in any other suspected or disordered place; and those to Apprehend and keep in safe custody till opportunity serve to bring them before one of the next Magistrates, or other Person Authorized, to further Examination; provided, when any Constable is employed by any of the Magistrates for Apprehending of any person, he shall not do it without Warrant in Writing: & if any person shall refuse to assist any Constable or Marshal in the Execution of his Office in any of the things aforementioned, or otherwise as the Case shall require, being by him required thereto, they shall pay for neglect thereof *ten shillings* to the use of the Countrey, to be levied by Warrant by any Magistrate before whom any such Offender, shall be brought and convicted: and if it appear by good Testimony, that any shall wilfully, obstinately and contemptuously refuse, or neglect to assist any Constable, as is before expressed, he shall pay to the use of the Countrey *forty shillings*.

7. It is Enacted, &c. That all Rates whether the Countrey, County, Minister or Town, orderly committed to the Constable, under the hand of the Raters, shall be collected, gathered, and paid by or within the time or times limited for gathering or paying the same; and if any Constable shall neglect to gather any Rate committed to him, and to pay the same to the party or parties to whom such Rates belong, by the space of *thirty dayes* after the time limited be expired, such Constable shall be liable to pay such Rate himself, or so much thereof as remains unpaid; the same to be recovered by Suit or Distraint on his Estate, by the respective Treasurers, if belonging to the Countrey or County: and by the Select men of the Town if belonging to the Minister or Town: and if taken by Distrels, it shall be by Warrant to the Marshal of the County under the hands of two Magistrates, who shall Grant the same upon Request: and if the Constable have not sufficient Estate whereon to Levy such Distress, then the Distraint shall be made upon the Estate of any Man or Men in the Town, and they upon Request to the County Court, shall have Order to have a Rate made on the Town for the

conveyed
from Constable to Constable

Put forth Hue & Cries in case

Apprehend offenders.

Make Search

All to assist the Constable on penalty

Rates to be collected and paid within the time limited.

On penalty

May Distrain
without War-
rant.
Fees for distress

Liberty to ga-
ther Rates af-
ter his year
But not to Dis-
train for what
was paid be-
fore on penalty
not but with-
in three years

Constable, have
the power of
water-Bayliffs

the Repayment of the same, with all meet Damages.

8. It is Enacted, &c. That the Constable *ex Officio*, or without Warrant Distrein on the Estate of any Man for his Rate that refuseth or neglects to pay the same, according to Order; and besides his Rate to take a *shilling* for such Distress: and notwithstanding the Expiration of his Office, he may have a Warrant from a Magistrate directed to the present Constable, to Distrain for any Rate unpaid; who shall deliver the Goods Distrained to the Constable to whom it was first payable, and the Constable to take a *shilling* for such Distress: and if any Constable procure a Warrant, and Distress to be made for a Rate paid before, or more than due, he shall be liable to pay double Damages to the party: and if such negligent Constable procure not Distrainment to be made within three years after the making such Rate, he shall be without remedy to Recover the same for ever. *Vide more in Title Marshals and Constables Directions.*

9. That all Constables shall have power of Water Bayliffs on the Waters, Creeks and Harbours adjoining to their several Towns.

Conveyances Fraudulent.

IT is Enacted, That all Deceitful and Fraudulent Alienations, and Conveyances of Houses, Lands, or other Estate, shall be of no validity to defeat any man of any due Debt, just Claim, Title or Possession of that which is so Fraudulently gotten or detained.

CHAP VI.

Courts.

All Courts to
be held, & all
Commissions
Writts & Exe-
cutions to be
in His Majes-
ties name

IT is Ordered by this Court and Authority thereof; That all our Courts be Held in the Name of our Sovereign Lord the King; And that all Commissions, Warrants, Summons, Attachments, Sub-pence, Executions, and all Writs and Precepts of what nature soever, shall be in His Majesties Name.

That the Affairs of this Jurisdiction may be the better carried on;

It is Agreed and Declared, that there be several Courts for several Purposes and of different Constitutions and Power.

And first the General Court

General courts
constitution &
power

1. THE General Court shall consist of the Governour, Deputy Governour and Assistants, and Deputies for each Township in this Jurisdiction, who shall be sent to each General Court, as the Countries Representatives; who together with the Magistrates, shall have full power to consult of, and determine all such matters; and to Make and Establish all such Laws and Orders as concern the Publick Welfare of this Colony: the matter of Election of Magistrates and other Officers only excepted; wherein every

Free

Freeman is to give his Vote according to the accustomed usage of this Court.

2. It is Enacted, that this General Court and all the Members thereof shall meet and sit at *Plimouth* on the first *Tuesday* in *June*, Annually (nothing extraordinary preventing) and that then there shall be the Election of all our Magistrates, viz. a Governour, Deputy Governour, and six Assistants; and likewise the Election of two Commissioners for the united Colonies, and our Treasurer; who shall be all chosen out of the Free-men, and by the free Votes of the Free-men of this Corporation, and not other-ways. And that the Magistrates and Deputies shall continue together, to consider and Order all such Affairs of this Jurisdiction as shall be within their Cognizance, Trust and Power, untill they shall see cause to Dissolve or Adjourn the said Court unto another time.

Place & time of sitting

Election of Governour, &c.

To Dissolve or Adjourn

3. It is also Ordered, That besides the said fixed Courts, the Governour, or in his absence the Deputy Governour, and in their absence, the greater part of the Magistrates of this Jurisdiction, shall have power to Summon a General Court, either the whole Body of Free-Men, or their Representatives at any time, as the urgent and extraordinary occasions of this Jurisdiction, or any part thereof may require. And if any of the aforesaid Magistrates, or Deputies shall without just cause either be absent at the first sitting of any of the said General Courts, whether ordinary or extraordinary, or without leave depart, or disorderly absent him or themselves from the service thereof, before the Court be finished, he or they shall each of them pay *twenty shillings* for a fine to the Jurisdiction for such absence or Departure. But if the absence or Departure be mingled with Contempt or wilful neglect, the Fine shall be encreased as the Court upon due consideration of the Offence, with the Aggravations shall judge meet.

Power to summon a General Court on special occasion.

Fine for non-appearance or departure, without licence.

Increased by contempt.

4. And in regard that through Age, Inability of Body, or Urgency of occasions many of the Free-men cannot attend the Courts of Election: Liberty is hereby granted to such of the Free-men as will not be there in Person, to send their Votes by Proxy, viz. by Deputies of their Respective Towns, provided that such Votes be given to the said Deputies in open Town-meeting; and shall by the Town Clerk there be Sealed up severally (that is to say) Votes for the Governour by themselves, for the Deputy Governour by themselves, and Assistants by themselves, &c. and that the Deputies also take a List of the Names of such as sent Votes by them, that they may answer for them when they are called. And that whosoever of the Free-men do not appear at Election in Person, or by Proxy, he shall be for such neglect Amerced to the Treasury, *ten shillings*, and every Free-man to put in his Votes for the six Assistants in one Paper. If any man put in a Vote that is not a Free-man, or any Free man put in at one time more than one Vote for a man to any one Office, he shall pay *ten pound* Fine to the Colony.

Free-mens liberty to send Votes by proxy

Sealed up

Penalty for neglect.

And for non-Free-men voting, and Free-mens putting in more votes than one for one Person.

5. Forasmuch as the Free-men of this Corporation, and by Records appears, having publicly been declared to be the Associates of this Government, and have the Privilege and Power of choosing Officers, and by themselves and Representatives together with the Magistrates of making and repealing Laws, and Managing the greatest concerns of this Colony.

Free-mens Power.

It is therefore Enacted by this Court and the Authority thereof, that none shall be admitted a Free-man of this Corporation but such as are *one and twenty* Years of Age at the least, and have the Testimony of the Major part of the Free-men of the Town, signified under the hand of the Town Clerk, that they are of sober and peaceable conversation, Orthodox in the Fundamen-

And how to be qualified before admitted.

tails of Religion; and such as are Free holders, or have twenty pounds Ratable Estate at the least in the Government, or such that are generally known & approved by the Court: & all Freemen to be approved of at Election Courts, and taken in at said Courts, or being approved by said Court, signed under the hand of the Secretary may be Sworn at any Court.

The like Qualifications are required in all such as are to be chosen to be Deputies, or any other place of Trust.

6. And forasmuch as some corrupt Members may creep into the best and purest Societies;

If any Freeman of this Corporation shall be discovered to be notoriously vicious or scandalous, as common Liars, Drunkards, Swearers, Apostates from the Fundamentals of Religion, or the like; or doth manifestly appear to be disaffected to this Government, upon legal and due Conviction of all or any of these; it shall be in the power of the General Court to Disfranchise him if they see cause from the privileges of a Freeman.

7. It is Enacted, That each Town-ship in this Jurisdiction, shall annually Elect and Chuse timely for the Election Courts one or two fit men out of the Freemen for their Deputies: every Town consisting of sixty Families shall or may send two Deputies, with full power to attend the Service of the General Court or Courts, and the Adjournments thereof, for the whole year, on pain of forty shillings Fine; and the respective Town Clerk to return the Names of those so chosen to the Court, on pain of twenty shillings to the Colonies use.

And if the General Court to whom such Deputy or Deputies are Presented, upon taking notice of their Members, do Adjudge any of them not to be Elected according to Law, then shall the Court return them, with the reason thereof unto the Town from whence they were sent, that they may make a due Election according to Law.

8. It is Ordered, &c. That nothing shall be concluded, and pass as an Act of the General Court but by the consent and vote of the major part of the Court. And the Governour, or in his absence the Deputy Governour, shall have a casting vote, whensoever there shall be an equi-vote; either at the General Court or Court of Assistants. In like manner shall the President in any Inferiour Court.

9. That in case either or both of the Commissioners chosen for the Colony, shall by Gods Providence be disabled to attend the Service thereof, then the next in Nomination for that choice shall Attend that Service in his or their stead.

10. It is Ordered; That two Halberteers be in a readiness to attend the Governour and Assistants at the Courts of Election, during the whole time of their continuance.

11. That the Secretary be annually chosen by the General Court, and Sworn.

Courts of Assistants or Magistrates.

1. **I**T is Ordered and Enacted by this Court and the Authority thereof; That there shall be a Court, called the Court of Assistants or Magistrates, wherein all the Magistrates of this Jurisdiction shall Meet and Sit at *Plimouth* twice a year, namely, the first Tuesday in April, and the first Tuesday in October; to Hear Examine and Determine all Cases of Life, Limb, Banishment, and matters of Divorce, according to Law; and to Receive and Try all Appeals duly brought unto them from any Inferiour Court, whether in matters Civil or Criminal; to order Warrants for the choice of Juries, and constitute Clerks or other needful Officers; Ordered the Court of Assistants or Council have power to order the Payments to be made out of the Publick Treasury due; to such as upon occasion have been Employed in the Countries Service; or In which Court to make a valid Determination: There shall be present at least the Governour, or Deputy Governour, and four Assistants.

Court of Assistants.

when & where to Sit.

their power

2. And that Justice be not deferred, nor the Countrey needlessly charged;

It shall be lawful for the Governour, or in his absence the Deputy Governour, to call a Court of Assistants to try any Malefactor in any Capital Cause, or upon other weighty Occasions, as he shall see need.

Liberty to call a Court of Assistants on special occasion.

3. Ordered, That no Person shall be put to Death in less than four dayes after Condemnation, unless the Court see special cause, or in case of Martial Law: And that it shall be lawful for the Governour or Deputy Governour, with the consent of two Magistrates, to Reprieve a condemned Malefactor, for a short time: and if there be to them special Reason, to the next General Court. And that Warrants for Execution shall be alwayes Signed by the Clerk of the Court of Assistants, by Order of said Court.

Condemned persons, the time of Execution Replevin

Court of Admiralty.

BE it Enacted by this Court and the Authority thereof; That the Governour for the time being, or the Deputy Governour, with three or four of the Assistants, and such other Substantial Persons as the Governour for the time being shall commissionate, under the Seal of this Colony; shall have full Power to Act as a Court of Admiralty, for Hearing, and Trying, and Determining all Matters and Causes, which by the Act, (*Intituled Pirates and Privateers*) are to be Tried thereby, or by a Quorum of them, as by the said Commission shall be Authorized, either by themselves alone or together, with, or by a Jury Impannelled for such Trials, as the Case may Require.

Courts of Admiralty their constitution & power.

County Courts

1. **I**T is Ordered by this Court and the Authority thereof; That there be in this Colony three Counties, and that in each County there shall be kept annually two County Courts; which Courts shall be kept by the Magistrates living in the several Counties, or by any other Magistrate that can attend the same, or by such as the General Court shall appoint from time to time; and to make a Court, there shall be present not less than three Ma-

Counties, and County Courts their constitution.

Magistrates or Associates, and in no case shall Judgment be given without there betwixt consenting, or the major part if more than four Judges; and in the absence of the Governour or Deputy Governour, the eldest Magistrate shall be President of the Court; which Court shall have, and hereby have power to order the choice of Jurors of Grand Inquest and Trials in their several Counties, and to constitute Clerks and other needful Officers, the County Treasurer to be appointed and allowed of by said Court annually.

Their power

It is Ordered; That each County Court shall have and hereby have power to Hear, Try and Determine according to Law, all Matters, Actions, Causes and Complaints, whether Civil or Criminal, in any Case not extending to Life, Limb or Banishment, or matter of Divorce.

The County of
Plymouth
its Limits

2. It is Ordered, That *Plymouth, Duxbury, Scituate, Marshfield, Bridgewater and Middleborough*, together with all such Places and Villages, that do or may lye between the said Towns and the Patent Line be a County, *Plymouth* the County Town, and said County called the County of *Plymouth*: In which County shall be kept two County Courts annually, at the Town of *Plymouth* one, on the third Tuesday in *March*, and the other on the third Tuesday in *September*.

The County of
Barnstable
its Limits

3. It is also Ordered; That *Barnstable, Sandwich, Yarmouth and Eastham*, the Villages of *Sippican, Suckonechet, and Wampanoag* shall be a County, *Barnstable* the County Town, and said County shall be called the County of *Barnstable*; in which County shall be kept two County Courts annually, at the County Towns, one on the third Tuesday in *April*, and the other on the third Tuesday in *October*.

The County of
Bristol
its Limits

It is further Ordered; That *Bristol, Taunton, Rehoboth, Dartmouth, Swansea, Little Compton, Free Town, Scituate, Pocasset, Freetown*, and all such Places, Towns and Villages, as are or may be taxed on said Lands, shall be a County, *Bristol* the County Town, and the said County shall be called the County of *Bristol*: In which County, shall be kept two County Courts annually, at the County Town, one on the third Tuesday in *May*, and the other on the third Tuesday in *November*.

Deeds &c. may
be Recorded in
the County
where they lye
and held sufficient

4. It is Ordered, &c. That all Deeds, Bargains, Mortgages for Houses, Rents, Lands, not already Recorded in the Publick Records, or that shall not be Recorded before the first County Court of each County, shall or may be Recorded in the County where they lye by the County Recorder; which shall from and after the first County Court that sits in said County be accounted Legal and Sufficient Record for the same; it having been acknowledged or duly Proved before the Recording.

County Courts
to settle the Estate
of Intestates
& take probats
of Wills

5. It is Ordered, that such County Court shall have, and hereby have power to settle and dispose according to Law, the Estate of any Person that dies Intestate within the County, and to grant Letters of Administration, and take the probate of Wills.

To make Orders
for County
Prisons, High-
ways, Bridges
& Rates in
their County

6. It is Enacted, That County Courts have Power to make effectual Orders about county Prisons, High-ways and Bridges: and when there is occasion, Order Rates to be made in the several Towns and Places of the County, for defraying County charges; The Rates of each Town to Rate their Inhabitants, or Persons under their Constableness, according to the proportion Ordered by the County Court; and the Constable to gather such Rates, and be accountable for the same to the County Treasurer.

7. It is Ordered, That in any County where a Stranger dies Intestate, the

the County Court shall appoint a meet Person to Administer on his Estate, if he leave any, and to secure the same for them of whom of Right it doth or may belong.

8. It is Ordered, That the Town Clerk in such Town Annually return the Names of such Persons to the County Court, as by the several Towns are chosen to serve; as Constable, Grand Jury-men, Surveyors of High-ways; that they may take their Oaths, and be established in their Respective Places; and the Select-men to be returned to the Court of Election on penalty of twenty shillings fine for each Neglect.

Town Clerks
to return to the
County Courts
the names of
Constables Ju-
ry men &c.
chosen

9. It is Ordered, That the Clerk of the County Court shall be the Recorder of the County, who shall Record Deeds and Evidences for Lands lying within the County, who shall be under Oath for the faithful discharge of his Place; Said Clerk in open Court may Administer Oaths to Witnesses, and in the Name or Order of Court to grant Summons, Attachments, Warrants, and to sign and give out Executions for any Judgment obtained in any of the County Courts, which shall not be until twelve hours after Judgment, unless in any particular Case the Law hath otherwise provided; nor then if the Court, or any special cause shall Respite the same.

Clerk of the
County to be
the Recorder
of the County

Their work &
Power.

10. It is Ordered, That each County Court may Adjourn their County Courts as to them may seem meet: And all Persons concerned shall be bound to attend the said Adjournment.

County courts
adjournment.

11. It is Ordered, That there be a County Marshal, who shall always attend said Courts, who are impowred to serve all Warrants, Attachments or Summons that are directed to them, and to Levy Executions, who may Require Aid in the Execution of their Office, which shall be yielded on the same penalty, that is, for any to refuse to assist a Constable.

County Mar-
shal work and
Power.

12. It is Ordered, That in any Case that requires a speedy proving of a Will, or taking out Letters of Administration; it shall be lawful for any two Magistrates, the Clerk of the County Court being present to Record the same, to take the Probate of such Wills, and to grant Administrations though out of Court, or not in Court time.

In what Case
two Magistrates
may grant Ad-
ministration &
probate of
Wills out of
Court.

13. That a Magistrate, or any Court shall have Power to determine all such Matters of Equity in Cases or Actions that have been under their Cognizance as cannot be relieved by the common Law, as the forfeiture of an Obligation, breach of Covenants without great Damage, or the like matters of apparent Equity.

who may deter-
mine matters
of equity as
cannot be re-
lieved by the
common Law,

14. Ordered, That the County Court, or any two of the Magistrates may, as need shall require, upon defect of any Towns chusing Raters, or the Raters neglecting to make such Rates, as by Order of Court are required of them, or orderly committed to them, make choice of three men in such town to make such Rates as aforesaid.

Who may
chuse Raters
in defect

15. Ordered, That in all Criminal Cases, or Misdemeanors, besides their Fines or Punishment, Persons Convict, shall pay Cost and needful charges of Prosecution.

Criminals con-
vict to pay cost
of prosecution

16. It is Ordered, &c. That a Judgment acknowledged before any two Magistrates and the Clerk of the Court, shall be good in Law; and if the

Clerks

Clerk be a Magistrate, he with one Magistrate may take such acknowledgment, and the Clerk shall have *twelve pence* for Recording the same.

Courts of Select-men.

Courts of select men, their constitution & power.

IT is Ordered by this Court and the Authority thereof, That every Town in this Colony shall chuse three, or five able Discreet men out of the Free-men of each Town Annually, who shall be presented to the General Court at *June* to be approved, and then Sworn there, or before a Magistrate, who shall have Power to hear, try and determine all Actions of Debt, Trespass or Damage, not exceeding *forty shillings*; and to grant Summons and Attachments to the Marshal or Constables, to be returned into their Courts, which may be four in one Year, and not more; and to Administer Oaths to any that may be used at their Courts, or in such Matters as they have to deal withal: And Summons Witnesses, and upon Issue of the Cases, to grant Executions to the Constable or County Marshal; who shall Execute the same, & make Return thereof, & doing thereupon, to the Officer that keeps the Records of such Courts: and in all things to act and determine according to Law as is provided for other Courts and causes *without Jury*; and that to make a valid Act, there shall be the major part of them consenting: and that the Select-men in each Town shall order the Prudential Affairs of the Town, *viz.* to admit, approve or disapprove of any Person who shall offer to Dwell, or Inhabit in the said Town, to provide for such poor and necessitous Persons at the Towns charge, as the Town ought to be charged withal: to look after and prevent any Incroachments upon High-ways and Streets, to look after the keeping and maintaining the Town Bounds at the Towns charge: to put out with the consent of a Magistrate, Children that cannot, or are not provided for by their Parents or Friends to Service or Apprentice: Boyes till one and twenty, and Girls till eighteen years of age; to put out to Service, with the Advice of a Magistrate, any Idle, Disorderly or Shiftless Persons that are likely to be chargeable to the Town: That in such Town where no Magistrate, or Person Authorized with Magistratical power is, the Select men, or any two of them shall have power to convict and punish any persons according to Law, for Drunkenness, Swearing, Cursing, Sabbath-breaking, Night-walking, Breaking of Peace: and all such other Matters in their Town referred to them by Law.

CHAP VII.

Criminals.

Adultery how to be punished

IT is Ordered by this Court and the Authority thereof; That whosoever shall commit Adultery with a Married Woman, or one Betrothed to another Man, both of them shall be severely punished, by Whipping *two* several times, *viz.* once when the Court is in being, at which they were convicted of the Fact; and the second time as the Court shall Order: and likewise to wear two Capital Letters *A. D.* cut out in Cloth, and Sewed on their

their upper Garments on their Arm or Back; and if at any time they shall be found without the said Letters so worn whilst in this Government, to be forthwith taken and publickly Whipt, and so from time to time as often as they are found not to wear them.

2. Be it also Enacted, That whosoever committeth Fornication before, or without lawful Contract, shall be punished by whipping, or else pay *ten pounds* fine each of them to the County. But if they be, or will be Married to each other, and the case such as they lawfully may, then but *ten pounds* both: And if any commit carnal Copulation after lawful Contract before Marriage, they shall be Amerced, each of them *fifty shillings* to the County, and be imprisoned, If the Court see reason: By lawful Contract is intended Mutuall consent of Parents, Guardians, or overseers; and a solemn Promise of Marriage made to each other by the Parties before Competent Witnesses; and if they cannot, or will not pay their fine, then to be punished by whipping: The Court for the more discountenancing the trailing Evil; Have further Ordered, That such as Transgress in any of these wayes, shall be Convict in open Court; and their Fines to be paid in Money.

3. It is Ordered by this Court; and the Authority thereof, That if any Person shall commit Burglary by breaking up any Dwelling House or Ware-House in the Night, or on the Lord's Day, or that shall forcibly Rob any Person in the Field or High-way, such Offenders shall for the first Offence stand on the Gallows an hour, and be burnt on the hand with the Letter B And for the second Offence shall be put to Death.

4. That if any Stranger, or Inhabitant of this Government shall be Legally Convict of Stealing or Purloining any Horles, Chattles, Mony or other Goods of any kind, he shall be punished by paying three fold to the party wronged; and a Fine to the County, not exceeding the value Stole, or Corporal Punishment as the Court shall determine; and for the second Offence of the like kind, to make like satisfaction to the Party wronged, and be Branded in the Hand with the Letter R. And if the Delinquents have not wherewith to satisfy the Law, they shall be Sold for time to make Satisfaction; and if the Fact be committed on a Sabbath day, the Brand to be on the Forehead: and for the third Offence of like kind to be put to Death, or Sold out of the Country, as the Court shall see cause.

5. It is Enacted by the Court, &c. That whosoever shall prophanely swear or curse by the Name of God, or any of his Attributes, Words or Works, he or they shall be set in the stocks, not exceeding three hours, or pay *five shillings* fine to the County, or be imprisoned according to the quality of the Person; and for a second Offence, to pay *ten shillings* to the County, or be whipt, and so from time to time as often as afterwards found Transgressing in this kind.

6. Forasmuch as the open Contempt of Gods Word, and the Messinger thereof is the desolating sin of Civil State and Churches:

It is Enacted, That if any Christian, so called, in this Government shall speak contemptuously of the Holy Scripture, or the Holy Pen-men thereof, such Person or Persons shall be punisht by fine, not exceeding *five pounds*, or Corporal punishment by whipping; And if any shall behave themselves Contemptuously towards the Word of God Preached, or any Minister thereof, called; and faithfully dispensing the same in any Congregation, either by manifest interrupting him in his Ministerial Dispenations, or falsely, peremptorily charging him with Teaching Errors, to the disparagement and hinderance of the Work of Christ in his hand, or manifestly and contemptuously reproach the Wayes, Churches or Ordinances of Christ, being duly Convict thereof, he or they for the first Transgression be Amerced *twenty shillings* fine to the County, or be set in the Stocks, not exceeding four hours: But if he or

Fornication
how before
Contract

How if they
be or will be
Married.

If after Con-
tract

Lawful Con-
tracts what.

Burglary and
Robbery how

The first, the
second offence

stealing or pur-
loining

The first
Second

Third offence.

prophane swear-
ing.

The first

second offence
&c.

Vilifying the
the Scripture
or Holy Pen-
men thereof.

Or the Word
of God preach-
ed,
Or the Mini-
sters thereof,
Or the wayes,
Churches or
Ordinances of
Christ

they go on to transgress in the same kind; then to be Amerced *forty shillings*, or be whipt for every such Transgression.

Forceable de-
tainer.

Entry and pos-
session.

Disturbance
of the Peace.

Defamation
of Court or
Judge.

Beating or
hurting any
Person.

Forging of
Deeds Testa-
ments, Bonds,
Bills, &c.

Falsifying of
Records.

Or corrupting
of any Office
to such evil
intent.

7. It is Ordered, &c. That where a Judgment is given in any Court, for any Person, of House or Lands, upon the Tryal of the Title thereof, or other Just cause; if the Person against whom the Judgment is given, doth either forcibly detain Possession thereof, either against the Officer impowred to serve an Execution thereon, or after Execution served, enter upon it again, and so return Possession by force, he shall be accounted an high Offender against the Law, and breaker of the publick Peace. Therefore speedily to redress such a Criminal Offence, every Magistrate is impowred, and by his Place hath power to give Warrant and Command to the Marshal, Officer, and other men whom he thinks meet to be employed in the business; the Marshal or other Officer also requiring aid, greater or lesser as need requires, to suppress the force and give Possession to the Owner; and to imprison such as do appear to be Delinquents and their Aiders, and Abettors to be forthcoming at the next Court that did give the Judgment in the Case, there to make their answer; and whom the Court doth find guilty, to set such fine or other punishment upon them as the merit of their several Cases doth require.

8. It is Ordered, &c. That whosoever shall disturb or undermine the Peace of this Jurisdiction, or Inhabitants thereof, by plotting with others, or by his own Tumultuous and offensive carriage, Traducing Quarreling, Challenging or Assaulting, or any other way tending to publick Disturbance in what Place soever it be done; or shall Defame any Court of Justice, or any of the Magistrates, or Judges of any Court in this Jurisdiction, in Respect of any Act or Sentence therein Passed; Every such Offender, upon due proof made, shall be by the County Court punished by fine, imprisonment, binding to the Peace or good behaviour, according to the quality and measure of the Offence, or Disturbance to them seeming just and equal.

And that such as Beat, Hurt or Strike any other Person, shall be liable to pay unto the Party hurt or stricken, and such Fine to the County, as on consideration of the party smit, and with what Instrument, Danger more or less, time, place, provocation, &c, as shall be judged just and reasonable to the merit of the Offence by them that have the proper cognizance of the same.

9. It is Ordered, &c. That if any person shall Forge any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any Writing to pervert Equity and Justice, he shall pay the party grieved, double Damages, and be fined himself so much to the Countries use: and if he cannot pay it, to be publickly Whipt and Burned in the Face with a Roman F.

10. Be it also Enacted; That if any Notary, or Keeper of publick Records, or Writings of concernment, committed to his Keeping and Trust; shall wilfully imbezle or make away any such Records or Writings, or shall on purpose Falsifie or Deface them by Rasing out, adding to them, or otherwise: such corrupt Officer shall lose his Office, be Disfranchised, and be Burned in the Face, or fined according to the circumstances of the Fact.

And if any person shall endeavour to corrupt any Officer that keepeth such publick Records or Papers of Concernment; to procure him to Deface, Corrupt, Alter or Imbezle any of them, he shall be severely punished, by Fine, Imprisonment, or corporal Punishment, as the matter may be circumstanced.

11. It is Enacted by this Court, &c. That what person soever, being sixteen years of age, shall wittingly or willingly make or publish any Lye; which may be tending to the damage or hurt of any particular person; or with intent to deceive and abuse the People with false News or Reports, shall be fined for every such default, *five shillings*: and if the party cannot, or will not pay the Fine, then he shall sit in the Stocks, not exceeding two hours: But in case the Lye is greatly pernicious to the Publick Weal, it shall be more severely punished, according to the nature of it.

Pernicious ly-
ing.

12. It is Enacted by this Court, &c. That if any person shall wilfully, and of set purpose Burn any Man's Fence, he shall make good the Damage to the party wronged; be Amerced *forty shillings*, and be bound to the good Behaviour, if the Court see Reason.

Wilful burn-
ing of fences.

13. And it is further Ordered; That any person that shall wilfully and on purpose, break down another Man's Fence, Gate or Bridge; or leave open any Gate or Barrs, to the annoyance or prejudice, either of a particular person or a Neighbourhood; he shall make up such Fence, Gate or Bridge at his own charge, and pay the Damage thereby sustained, and be Amerced according to the nature of the Offence: And for leaving open any Gate or Barrs, to pay *ten shillings*, half to the party complaining and proving, and half to the County; saving the Right of him that openly pulls up a Fence set on his own Land without his Approbation: Any one Assitant to Hear and Determine any such Matter.

Wilful break-
ing down of
Fence, gate or
Bridge
Or leaving open
gates or
bars.

14. And whosoever shall wilfully pluck up, remove or deface any antient Land-mark or Bounds formerly agreed on between Towns or particular persons, or that of right belonging to any Town or particular person; he or they shall be fined from *twenty shillings* to *five pounds*, as the Offence may be circumstanced: And any person that shall at any time pull down or deface any Bound-mark, under any pretence, and not do it publicly or before Witness, he shall be liable to the penalty as above expressed.

Removing &
defacing Land
Marks.

15. It is Enacted by this Court, &c. That no person in this Government shall play at Cards, Dice, or any such unlawful Game, wherein there is any Lottery, at any private house or elsewhere in this Government, on penalty of *ten shillings* fine, to be paid by every one that so plays, and *twenty shillings* by the Master or Head of a Family that shall know of and suffer such Gaming in his House, or where he hath command.

Playing at
Cards, or any
unlawful
Games

16. It is Enacted by this Court, &c. That no Person shall Disguise themselves by strange Apparel, or Apparel not proper for their Sex to Lascivious and evil Ends and purposes, on penalty of being Fined *fifty shillings* to the County for every such Default; or being publicly whipt, or bound to their good behaviour, as the Court shall see cause.

Disguise in ap-
parrel, Lasci-
vious ends

17. Forasmuch as the Sin of Drunkenness doth greatly abound to the dishonour of God, impoverishing such as fall into it; and to the grief of such as are sober minded; for prevention, and if it may be for suppression of that growing and prevailing Evil.

It is Enacted by this Court and the Authority thereof, That whatsoever Person shall be found Drunk at any time in any Tavern, Ordinary, Ale-house,

Penalty of
Drunkenness!

Penalty of
Drunkenness.
The first
Second,
Third Offence

Drunkenness
Defined

house or elsewhere in this Government, or be Legally Convict thereof he or they for the first Offence shall be fined *five shillings*, or sit in the Stocks an hour; for the second default to pay *ten shilling*, or sit in the Stocks two hours or be whipt; for a third Transgression to pay *twenty shillings* fine, or be publicly whipt; for a fourth Offence in this kind to pay *twenty shillings* fine, or be whipt, and to be bound to their good behaviour, standing committed till thy have found Security for the same. By Drunkenness is to be understood, one that Lisps or falters in his speech by reason of overmuch Drink, or that staggers in his going, or that vomits by reason of excessive drinking, or that cannot by reason thereof follow his Calling.

Penalty of cont
mon drunkards

18. Ordered, That the names of such as are found to be common Drunkards in this Government, shall be set up in some publick place in the Town, and they shall be accounted such, when they have been Convicted four times for the same; and after they have been so publicly declared, whosoever, Ordinary-keeper, or other shall sell, give or lend, Directly, or Indirectly any strong Liquors, Wine, Ale, Sider or strong Beer, unto any such person or persons, shall forfeit *ten shillings*, half to the County, and the other half to the informer.

& of such as
furnish them
with Drink

19. Whereas many have sustained great Damage by indiscreet and untimely firing of the Woods;

Indiscreet Fir-
ing the woods

It is Ordered, &c. That none shall fire the Woods at any time, but they shall give warning thereof to their Neighbours about them; and the time of firing them to be between the fifteenth of February, and the last of April: And if any shall unnecessarily fire the Woods, or not observing this Order, damnifying any, he shall make good the damage, and be fined *ten shillings*, or be set in the Stocks. But if any Town think it not their Interest to fire the Woods, they may prohibit the same under the penalty of *forty shillings*.

Penalty of wor-
king or play-
ing on publick
dayes of Humi-
liation or
Thanksgiving,
or running Ra-
ces with Hor-
ses in Streets.

20. It is Enacted that none shall presume to Labour work, sport or play, or attend the same on dayes appointed by the Court for publick Humiliation or Thanksgiving; and that each person so offending shall pay *five shillings* fine to the County.

21. It is Enacted, That whatsoever Person shall run a Race with any Horse-kind in the street or common Road, shall forfeit *five shillings*, or sit in the Stocks an hour.

22. Whereas many unruly Persons, Servants and others in several places of this Colony meet together to walk about in the Night to Drink, Revel or Puffe; the same tending to the corrupting and debauching of the Youth; and many offend and prejudice the peaceable Inhabitants of the several Towns; for prevention whereof.

of night-wal-
kers.

It is Ordered by this Court and the Authority thereof, that all Persons walking in the Fields or Streets after nine or ten a clock at Night, unless known peaceable and orderly Inhabitants, shall be liable to be examined by the Select men, Constable or Watch of the Town; or if complained on by any other Person of the Town, and if they cannot give a satisfactory reason for their so doing, he or they shall be had before some Magistrate, or other Person Authorized, who upon the hearing of the Case, it appear they have been Rude, or unseasonably Drinking, Revelling, Gaming, Sporting, or any wayes disturbing; or if it be Servants or Children, and it be without their Parents or Masters leave, they shall for the first Offence be Admonished, or pay *five shillings* to the County, or sit in the Stocks an hour: and if Transgress a second time, to pay *ten shillings*, or be whipt with *ten Lashes*; and so from time to time as often as they Transgress.

23. Ordered, &c. If any person Summoned to Answer any Presentment, or for any Fault or Misdemeanour, do not appear at the time appointed, he or they shall be proceeded against for Contempt; except it appear that they have been prevented by the hand of God.

of non-appearance on Summons to answer any presentment, &c,

24. It is further Ordered; That in case of any Misdemeanour, that by Law there is not particular provision made for, or that the penalty is not limited or expressed; the person being convicted thereof, shall be liable to be punished by the Magistrate or other person Authorized, before whom the Complaint is made, by Fine, according to his discretion; not for one offence exceeding *ten shillings*, or sitting in the Stocks, not exceeding two hours. And if such offence by him or them that have the cognizance thereof, shall be thought to deserve a greater Fine or Punishment; then the party complained of shall be Bound over to Answer the same at the next County Court, and be Bound with Surety or Sureties for his or their appearance to Answer the same, and for their good Behaviour in the mean time; and shall be liable (being convicted) to such reasonable Fine or Punishment as the County Court shall see meet, according to Crime and Circumstances thereof, not exceeding the Fine of *five pounds* for one offence, or punishment by Whipping.

Of misdemeanors where no particular Law or Penalty is limited.

CHAP. VIII.

Deaths Untimely.

IT is Ordered by the Court and the Authority thereof; That whensoever any Person shall come to an untimely or unnatural Death, where no Magistrate is near, the Constable of the Town shall forthwith Summons a Jury of twelve discreet men, to enquire of the cause and manner of his Death; who shall present a true Verdict thereof to some of the Assistants, or to the County Court, upon Oath; and all persons are required to give notice of such untimely Death unto a Magistrate, if any near, or otherwise to the Constable: neither shall any such person be buried before a Jury of Coroners Inquest have enquired into the cause of the said Death. And if any shall presume to bury any such person before Information given, and enquiry made as before, they shall pay *five pounds* fine to the County, and be rendered as suspicious of being principals or accessaries in the Death of such person.

Death untimely to have a Coroners quest before burial

Also Ordered, That the return of said Jury shall be Recorded amongst the Records of the County Court, and the charge to be paid out of the Estate of the person, if any be.

Dower.

wives to enjoy
a third part of
their deceased
husbands lands

to be set out to
them by meets
and bounds,
but shall not
make strip or
waft, &c.

Debts paid, one
third part her
personalestate

the other two
thirds to be di-
sposed among
the Children,
as per Law is
provided

no conveyance
good obtained
by illegal vio-
lence.

That there may be competent Provision made for the certain Maintenance of Wives, after the Discease of their Husbands; who died Intestate;

It is Ordered and Enacted by this Court and the Authority thereof; That every Married Woman, who hath not demerited the contrary by her wilful Absence or Departure from her Husband, or other notorious Fact, without reconciliation to him in his life time; or hath not by former Contract, with her consent been Estated into some House, Lands or Tenements for term of her life, shall immediately after the death of her Husband, according to the common Law of England, for the sustenance of her self, the nurture and education of her Children, have Right and Interest by way of Dower, in, and to one third part of all such Houses and Lands as her Husband was at any time seized of, during the coverture, other then what Lands shee freely resigned up her Interest in, and acknowledged the same before a Magistrate; To Have and to Hold unto the said Wife in severalty, by Meets and Bounds, for, and during only the term of her life, whether she had issue by her Husband or no; said third part to be set out to her by persons appointed thereunto by the County Court, if the persons concerned agree not: Provided alwayes, such Widow endowed as abovesaid, shall not commit or suffer any strip or waft, but shall maintain all such Houses, Fences and Inclosures, as shall be assigned to her for her Dower; and shall leave the same in good and sufficient Reparation in all respects.

It is also Ordered, &c. That all just Debts being first paid, the Widow shall have one third part of her late Husbands personal Estate to be at her own absolute dispose, and the other two thirds to be disposed amongst the Children as the Law is provided. And where there are no Children left of the Deceased Intestate Husband, there the Widow shall have the one half of the personal Estate, unless the Court see just reason and cause to order it otherwise.

Duers.

IT is Enacted by this Court; That no Conveyance, Deeds or Promise shall be valid, which have been gotten by illegal Violence, Imprisonment, Threats, or forceable Compulsions.

CHAP. IX.

Faires

Two Fairs An-
nually at Bri-
stol

IT is Ordered; that there may be two Faires Annually kept at Bristol, one on the third Wednesday and Thursday in May, and the other the third Wednesday and Thursday in November.

Fences.

Fences

O Rdered, That all Fences be four foot high, or be otherways sufficient in the Judgment of the Fence viewers; or for defect, such Person to bear his own Damage, unless the Damage be done by Hogs unyoked; and if the Fence in common Fields be not by said viewer judged sufficient, the Party that of right ought to maintain the same, having notice from said viewers, shall make such Fence sufficient in such time as said viewers shall Order; which time being expired, and said Fence be not repaired according to Order, such persons neglecting shall pay *ten shillings* fine to the viewers, who shall forthwith employ some meet person or persons to make or repair such Fence; and if the person to whom such Fence belongs shall neglect, or refuse to pay for the doing thereof, or for non-payment of his fine, for not timely doing it himself, the same being signified by the viewers to a Magistrate under their hands, there shall be a Warrant directed to the Constable to detain for the same according to Law.

2. Ordered, That there be two viewers of Fences or more to be chosen in every Town Annually who are to be upon Oath.

3. *For the settling and maintaining of Right amongst Neighbours about Fences.*

Ordered by this Court and the Authority thereof, That all such Persons as do or shall make improvement of their Lands, by Tilling, Mowing or Grazing, which do or may ly and be adjacent to the Lands of any other who make improvement of their Lands as aforesaid. The one Propriator or improver shall make and maintain one half of the Fence, and the other the other half of the Fence in the Line or Range between the said Lands.

And where one Person shall improve his Land before his Neighbours, and make the Fence himself; if afterwards his said Neighbour shall improve his said Land also, he shall pay his Neighbour for half the Fence against his Land, according to the present value of it, and shall maintain the same; and if any such shall cease to improve his Land, as aforesaid, then any Person that hath joynd Fence, shall have liberty to purchase his part of the Fence that ceaseth to improve, paying him according to present value by Appzement of indifferent Persons.

And when any Persons shall make improvement of their Lands, lying together as aforesaid, and one of them shall refuse or neglect to make or maintain one half of the Fence between them as aforesaid, that then his Neighbour may make all the Fence in the Line or Range between their Lands, and cause the same to be viewed by Persons chosen by both Parties; Or if one Party shall refuse, then to be chosen by him that shall make the Fence or maintain it; & the other Party refusing or neglecting to make & maintain half the said Fence, shall pay to such as make it or maintain it, the full value of one half of the Cost and Charges, in making and maintaining the same from time to time, to be recovered by due course of Law, in any Court proper for the same. This Law not to be binding to such as have their Land ly together in a common Field; but in such Cases, if any Person do Fence in his Land intirely, he shall do it of his own charge.

Fences how sufficient or bear the damage. In common Fields, How & when to be repaired, On penalty.

Fence viewers to be chose & sworn.

Improvers of Lands to make and maintain halfe the fence.

How where the first improver Fence the whole. How where one ceaseth to improve.

What remedy when one of the improvers refuseth to fence his part.

In what Case no remedy

Fines,

Fines be forth
with paid or
secured

what to be
paid in money

All Fines, Mues
&c. belonging
to the Country
be returned to
Court of Assi-
stance before
whom they fall
to be Entred
for, the Treasu-
rer notice
thereof

Belong to the
County where
they fall, ex-
cept where the
Law otherwise
provides.

Whales to
whom they
belong & how

Taking Mack-
erel at unseason-
able times

OrdereD, That when any Delinquent is fined by any Court, Magistrate or other Person Authorized, he shall forthwith pay his Fine, or give sufficient Security for the payment of the same, or their persons secured until they do.

And that all Fines not exceeding *ten shillings* shall be paid in Money; as also all Fines arising for selling any Liquors, Wines, Syder, &c. to the Indians, or any contrary to Law.

2. It is Ordered by this Court and the Authority thereof: That all Fines, Issues, Amercements, Forfeitures, Escheats and Royalties belonging to the Countrey, be sent in by them before whom they may fall, to the Court of Assistants; which together with such other as shall arise before themselves, they shall cause to be truly Entred by the Clerk or Recorder of said Court; that the Countrey Treasurer may take notice thereof, and be charged there-with. And that all Fines or Amercements which may happen to be made or had before any Court, Magistrate, or other person or persons Authorized thereunto, shall by such Court, Magistrate or other person, be truly given in, and caused to be Entred by the Clerk of such County Court unto which they belong; that the Treasurer of such County may take notice thereof, to gather, receive and dispose thereof according to the Order of their respective County Courts. And that all Fines and Amercements aforesaid, shall belong to the County wherein they shall fall and arise, except where the Law hath otherwise provided.

And it is further Ordered, That all such Fines as fall before a Magistrate, Select man, or other Persons Authorized, not exceeding *ten shillings* for one Fact, shall be for the Poor of the Town, or other Towns use where the person is Convict; to be disposed by the Select Men, where the Law hath not otherwise provided.

Fishing

Whereas by Providence Whales and other great Fish are found a Drift upon the Stream, and sometimes cast ashore in this Jurisdiction;

1. It is Ordered; That all such Whales as are cast up within the Bounds of any particular Township, or floating upon the Stream, within a Mile of the Shoar against the said Bounds of any Township, shall be accounted the respective Towns, falling within or against their Bounds as aforesaid; Allowing one full Barrel of Merchantable Oyl to the Countrey for every such Whale as they are ordinarily cast up; and but half a Barrel if it be much wasted or torn away; to be delivered to the Treasurers Order at Boston.

And whosoever shall find any Whale ashore, on the Cape or elsewhere, that is out of any Town Bounds, and is on the Countreys Bounds or Limits, shall allow the Countrey two Hogheads of Oyl.

2. Whereas there hath been great Inconvenience, as is conceived, by taking of Mackerel at unseasonable times, whereby their Increase is greatly diminished;

This

This Court doth therefore Order; That henceforth no Mackerel shall be caught, except for Spending whilest fresh, before the first of July annually, on penalty of los of the same, or the value thereof; the one half to the Informer, and the other half to the use of the Colony.

The time
The penalty

This Court taking into their serious consideration the great Damage that this Colony and our Neighbours is likely to sustain by the catching of Mackerel with Nets and Sanes at Cape Cod, or elsewhere near any Shoar in this Colony, to the great destruction of Fish, and to the discouragement of divers Fishermen, as is alledged;

The Court doth therefore Enact, and be it hereby Enacted by the Authority thereof; That no person or persons whatsoever, after the Publication hereof, shall catch or draw on shoar any Mackerel with Net or Nets, Sane or Sanes in any part of this Colony: And if any person or persons hereafter, shall presume to catch any Mackerel by setting or shooting any Net or Sane, such person so offending as aforesaid, shall forfeit for his or their said offence all such Nets or Sanes as shall be improved; and all such Mackerel as shall be caught by him or them: and shall also forfeit every such Vessel, and all such Vessels or Boats as shall be employed therein, whether Ketch, Sloop or Boat, as shall be employed in taking or carrying away any such Fish, if at any time the person so offending, be taken within this Government, or the value thereof; one moiety to the Colony, and the other moiety to the Informer that shall prosecute the same. And for the better Execution of the said Law, Power shall be given by some one or more of the Magistrates, by Warrant to some fit man to act as a Water-Bayliff, to make seizure of all such Forfeitures as aforesaid. This Act to stand till the Court on some Trial thereof shall see cause otherwise to Order.

None to draw
ashore Mackerel
with Nets.

CHAP. X.

High-Wayes.

1. Ordered by this Court and the Authority thereof; That where County-trey Roads be wanting through any Township of this Government, or where there are Wayes laid out, and returned to be Recorded, that are not to the satisfaction of the County Court, or where the two next Towns cannot agree about the same; or where any Town or particular person complain to the County Court, and have a pretence of great damage thereby: in such case the County Court shall appoint a Committee of indifferent men, or Jury, out of such Town and the neighbour Towns, who shall be upon Oath to view said Way, and approve or disapprove thereof; and lay out such Way in such places, and in such manner as may be most beneficial to the Publick, and least prejudicial to particular persons, and make return of their doings to the County Court, and the charge to be born as the County Court shall determine.

High-wayes in
case to be laid
out by indiffe-
rent men
chose by the
County Court

2. Ordered, That where there needs Town High-wayes from Neighbourhood to Neighbourhood, or for the necessity of particular persons, there shall be such wayes and passages laid out and ordered, as a Jury impannel'd

K

and

Town High-
ways between
Neighbour-
hood how to
be laid out.

and sworn by a Magistrate shall see cause, they attending the Law for their Rule, provided that if any Town-way between Neighbourhood and Neighbourhood be laid out through any mans Land, they shall have meet satisfaction : But if the Parties cannot agree, the same to be determined by the County Court.

3. That common High-ways, or County Roads be forty foot wide or more in low, wet, and dirty ground.

Country roads
to be forty
foot wide.

Surveyors of
High-ways to
give threedays
warning.

Penalty for
non appear-
ance.

How to work
at High-ways.

4. Ordered, That the Surveyors of High-ways shall give three dayes warning to all persons concerned for themselves, or their Teams, when they are to work at the High-ways as often as need shall require; not exceeding six dayes in a year; and every person, orderly warned, that neglects to appear or send a sufficient hand in his room, shall pay *two shillings, six pence per day*, each day they neglect; and each day for a Team *five shillings* for the Towns use, to be levied by Distrels on the Goods of such as are Delinquents, by a Warrant to the Constable from any of the Magistrates, or Selectmen, where there is no Magistrate near; to whom the Names of such Delinquents shall be returned by any of the Surveyors; all allowed Inhabitants and persons Rateable to be warned, and such Householdiers that have not Teams, and several in their Family capable to work though not Rateable, such by approbation of the Selectmen may be warned to send two.

None to be
warned to
work twice
till all have
gone over
once

Penalty of sur-
veyors neglect

Ordered, That the Surveyor, if he see cause, shall hire either Man or Team, as occasion requires for the said work; and to be paid out of the fines aforesaid; and that the Surveyors warn not any Man or Team twice to work on the High-ways before they have first gone over all the Persons and Teams in the Town, as aforesaid; and that each Surveyor give an account thereof to the Surveyor which shall succeed him for the next Year, who shall begin to warn where the other left off.

5. Ordered, That every Surveyor that neglects his duty in repairing the High-ways, shall forfeit *five pounds* to the Countys use.

Those warned
when to ap-
pear and what
time to work.

6. Ordered, That those warned to work on the High-ways, as aforesaid, shall appear at the place appointed, according to the Surveyors order, with their Carts and themselves, fitted with Tools and Instruments suitable to the work, by the hour of nine in the Morning, and work till four at Evening, allowing the space of one hour at Noon for refreshment.

Surveyors to
give an ac-
count, to the
Selectmen.

7. Ordered, That the Surveyors do at the end of their Year give an account of their actings, and what Monies of the Towns may be in their hands unto the Selectmen of the Respective Towns, or such other as the Town shall appoint for that Affair, or be liable to a suit to be prosecuted against them by the Selectmen on the Towns Account.

Country-high
ways to be
laid out by a
Jury.

and an account
thereof, with
the bounds pre-
ferred to the
town Clerk
on penalty.

8. The Court taking into Consideration the Inconvenience likely to ensue, by Persons Erecting Fences, Gates or Bars athwart County High-ways to the Annoyance of Travellers; Do therefore Enact, and be it hereby Enacted, That all necessary County High-ways within this Colony, shall between this time and the next October Court be laid out by a Jury, where it is not already so done, at the charge of the Respective Towns, through whose Lands or Townships such ways may lead; and that Account thereof, with the several bounds of each such way in every of the said Towns, shall be presented or brought to the Clerk of that Town, on penalty of *five pounds*, to

be forfeited and paid by that Town that shall neglect the performance thereof.

And that the Clerk send a true Coppy of such Accounts to the publick Secretary, who shall forthwith commit such Copies to publick Record; to the end that such wayes may be certainly known; and that after said *October* Court, if any person or persons shall presume to set any Fence, Bars or Gates on thwart any such High-wayes without the consent of the General Court, he or they shall for every such Offence forfeit to the use of the Colony the sum of five pounds.

And that after said Court, any such Obstruction shall be made or maintained in or upon any such way without leave, as aforesaid, it shall be the care and duty of the Surveyors of wayes in each Town to remove all such Obstructions and to demolish such publick Nuisances.

And he to send a copy thereof to the Secretary to be Recorded.

And the Surveyors to remove such Nuisances.

Horses.

1. **W**heras many Questions and sometimes troublesome Suits and Contests grow between Persons about Horses running together in the Woods unmarked;

It is Ordered; that each Plantation within this Government have a particular Brand-mark to distinguish the Horses of one Plantation from another; which Mark shall be Recorded in the Countrey Records, besides which every Owner shall Mark every of his Horses, Mares or Colts with some distinguishing Mark, and that before Witness, whereby one Man's Horse-kind may be known from another; and that in each Plantation there be an Officer appointed, either the Town Clerk or some other fit person, to Record each particular mans Horse-kind, with the Marks, natural or artificial, with the colour and age thereof as near as may be known; with the year, and day of the Moneth, and to require a satisfying Evidence of his Right who presents any such Horse-kind to be Recorded, as may be had; and to Record any defect of due Evidence, that a way may be open to other Claims: and such Officer to have six pence for every Horse-kind so Recorded of the Owner thereof; and that no person take up any Horse-kind running in the Woods, to carry out of the Township where they go, unless they are the known Owners thereof, without first bringing them to the Officer aforesaid, to be Recorded, and to receive a Note from under his hand of the Marks, with the Date thereof on pain of forty shillings to the Counties use, paying like Fees to the Officer as aforesaid.

2. If any Man shall take up any stray Horse, Mare or Horse-kind, he shall within one Month give notice of it, with the Age as near as he can, with the Colour and Marks, that to the County Treasurer may cause them to be cryed at two County Courts next following; and if any Owner be found paying all due Charges for his taking up and keeping, he shall have his Horse or Beast. But if after he hath been so publicly cryed, no Owner appear in a Year after he was first cryed, such Horse, Mare or other Beast shall be one half to the County, and the other half to him that took them up, the County bearing their proportion of Charge; which if they refuse to neglect, then the whole to him that took him up.

It is Ordered, That whosoever taketh up any such stray Horse, Mare, or Beast, shall keep them and not wrong them by Drawing, Riding or otherwise whilst he is upon such enquiry as above said; and that during the time, he shall

Horses to be Branded.

Mark;

Entered;

Fees for entry

Not to be carried away without a ticket.

On penalty;

Strayes to be cryed.

No Owner appearing how disposed.

And that

alwayes keep a Wyth about the Neck of the stray, by which it may be commonly known.

Stature of men:
Horses to go
at large on pain

3. It is Ordered by the Court; That none shall suffer to go at large to feed in any Commons within this Government, any Stoned Horse, being above two years old, and not thirteen hands high at least, from the upper part of the Wither to the lower part of the Hoof; every hand containing four Inches Standard Measure, in pain to forfeit the said Horse, or the value thereof; the one half to the County, and the other half to him or them which shall seize such Horse of lower stature: so that first by the Assistance of the Constable or Select Men of any Township, where such seizure is made, or seizure dwelleth; such Horse being by the seizer first brought to the Pound, shall there by such Officer, in the presence of three sufficient men be measured and found lower than the Stature above mentioned.

horses impound
ed or not, to
pay damage
done

4. It is Ordered, That if Horses be so wild that they cannot without great difficulty be Impounded, the Owner shall nevertheless satisfy the Damage proved to be done by them as if Impounded: and if the Horse-kind that so trespasseth be not Marked according to Order, the Owner for such shall pay double Damage.

Forreigners
horses how to
be dealt with

5. And whereas there hath been great Complaint of much Damage done by Horse-kind, and that many of them are belonging to persons of other Colonies; either hither brought or known to the Owners thereof to be Strayed into this Colony; and here let Run with their Increase year after year, to the great damage and annoyance both of English and Indians:

Anno 1671

It is therefore Ordered; That such Horse-kind (other then accidentally Strayed without the knowledge of the Owner) shall be taken out of this Colony by the last of December next, in pain of the forfeiture of every Horse-kind, the one half to the County, and the other half to him or them that shall take every such Horse-kind found within this Colony after the said time, other than such Strayes, as aforesaid, which shall be dealt with as by Order in that case provided.

CHAP XI.

Inn-keepers.

None to keep
Ordinaries or
Retail Wine,
&c. without li
cence on penal
ty

1. **F**Orasmuch, as there is necessary use of Houses of common Entertainment, and of such as Retail Wine, Beer and Ale, &c. yet because there is so much abuse of this lawful liberty both by persons that Entertain, and by such as are Entertained.

It is Ordered by this Court, &c. That none shall keep a Victualling House or Ordinary, or shall Retail Wine, Beer, Ale, Syder, or Strong Liquors, &c. but such as are Licensed thereunto by the County Court, and approved of by the Town where they live, on penalty of five pounds forfeiture to the Counties use, except it be for relief of some sick Person, and the Ordinary keeper hath notice.

2. And

2. And that whosoever is Licensed to keep such Publick House of Entertainment, shall be well provided of Bedding to entertain Strangers and Travellers; and shall also have convenient Pasturing for Horses, and Hay, and Provender for their Entertainment in the Winter, and shall not be without good Beer: And if any Ordinary-keeper do frequently fail in any or all of these, upon Complaint, he shall lose his Licence.

ordinarieshow
to be provided

3. It is further Ordered; That no Inn-keeper or Ordinary in this Government shall sell Beer for more than *two pence* the Ale quart, upon penalty of *three shillings and four pence* for every such Offence; nor shall any Vintner or Taverner gain more than *eight pence* upon the quart in any Wine or strong Liquor that they Retail more than it cost them by the Butt or Cask as they bought, on penalty of *twenty shillings* forfeiture for every Offence duly proved: neither shall any Vintner or Ordinary-keeper suffer any Disorder by excessive Drinking in or at their Houses.

Fines for Beer
Ale or Wine.

4. It is therefore Ordered; That he that suffers any person to drink Drunk or to Excess in his House, shall be fined for every such Offence, duly proved *five shillings*: and he that suffers any Town-dweller, unless it be upon an extraordinary occasion, or publick Imployment, to stay Drinking in or about his House above the space of *one hour*, the Ordinary-keeper shall be fined *two shillings and six pence*, and the Inhabitant so-offending *one shilling*.

Penalty to suf-
fer any to be
drunk or drink
to excess, or
to stay Tipling
in their houses

5. And it is further Ordered; That no single person, Labourer or other, shall be Dieted in any Inn or Ordinary in the Town to which he belongeth, on the penalty of *five shillings* a week fine, to be paid by the Ordinary-keeper: And that no Ordinary-keeper suffer any Wine or Liquor, to be drawn in his House on the Lords day to any, except in case of necessity, for the moderate relief of those that are sick or faint, for their necessity, refreshment, and not to young persons, or such as need it not, in pain of *ten shillings*; nor Beer, nor Syder but to Strangers, or such as live distant from the Meeting, (and to such) only for their necessary Refreshment, and that on penalty aforesaid.

Who shall not
be dieted in an
Ordinary
Nor have wine
or liquor
drawn to them
on the Lords
dayes.

6. And for the preventing of the great Abuse by the exceeding Drinking of Liquors and other Drink in Ordinaries, &c.

7. This Court Ordereth; That every Ordinary-keeper in this Government, shall be hereby Impowred and Required, that in case any person or persons do not attend Order but carry themselves uncivilly, by being importunately desirous of Drink when denied; and do not leave the House when required: such Ordinary-keeper shall return their Names to the next County Court, that so they may be proceeded against, according to the nature of the Offence: and in case any Ordinary-keeper shall neglect so to do, he shall be fined *five shillings* for every such default.

The disorders
& ungulness in
Ordinaries to
have their
names return-
ed to Court.

8. It is Ordered by this Court, That two or three men, besides the Constable and Grand Jury men, be appointed and impowred in each Town of this Jurisdiction, to have the inspection of the Ordinaries, or in any other places suspected, to take notice of such abuses as may arise in reference to the Premises or otherwise, and make return thereof to the County Court.

That such
men be ap-
pointed to be
inspector
of the ordinaries
in each town

9. That no Ordinary-keeper suffer any Servants or Children under the Government of their Masters or Parents to buy or use drinking any strong Liquors, or Wine, Beer, Ale or Syder in their houses, or where they have to

do,

do, without liberty from their Parents or Masters, except in case of necessity for their relief, in penalty of *five shillings*.

Ordinaris Licence to be annually recorded.

10. That no person or persons shall hereafter be Licenced to keep a House of common Entertainment for any longer than one year at a time; and that such as keep Houses of Entertainment, shall renew their Licence Annually at the County Court, and pay *two shillings* Fee to the Clerk of the Court for Recording their Grant or Renewal thereof; and give Bond with two Sureties for their keeping good Orders; and to respond all Breaches of Law that they may be convicted of.

When to have their houses cleared.

11. That all Ordinary-keepers cause their Houses to be cleared of all Town dwellers and Strangers, unless Lodgers or Travellers, by nine a clock every night; and by twilight on *Saturday* night, and not suffered to be drinking in their Houses on Sabbath day night, on penalty of *five shillings* fine of every Person so Transgressing; and *five shillings* fine of the Ordinary-keeper for entertaining them.

And to whom they may not sell or deliver Wine, &c.

12. It is Ordered by the Court and the Authority thereof, That none shall presume to deliver any Wine, strong Liquors, or Syder to any person or persons who they may expect will abuse the same, or to any Boyes, Girls or single person, though pretending to come in the name of any sick person, without a note under the hand of some sober person in whose name they come, on pain of *five shillings* for every such Transgression, the one half to the County, and the other half to the Informer.

Indictments, Presentments, Complaints, &c.

Presentments & complaints to be made within a year unless in case.

1. It is Ordered by this Court, That no Person shall be Indicted, presented or Informed against to any Court or Magistrate within this Jurisdiction for the Breach of any Penal Law, or any other Misdemeanor, the forfeiture whereof belongs to the Country or County, unless the said Indictment or Information, &c. be made and Exhibited within one year, after the Offence is committed, unless the penalty thereof exceeds *five pounds*. This Law shall not extend to any Capital Offence, or any Crimes that may concern Bils of Member or banishment: And in case of Fornication, Presentment may be any time within twelve Months after the Fact is publicly known; nor shall any Indictment, Presentment or Information hinder any person grieved for any wrong done to him, his Wife, Children or Servants, or Estate Real or Personal, but that every such Person shall have such Remedies as formerly he might or ought to have in Law.

Persons Indicted of Capital Crimes, must not withdraw but surrender themselves on penalty.

Ordered, That if any Person shall be Indicted or Legally Charged with any Capital Crime (who is not then in durance) and shall withdraw or refuse to render his Person to some Magistrate or Officer in this Jurisdiction, within one Month after the Proclamation made publicly in the Town where he did formerly and usually abide, there being a full Month betwixt Proclamation and Proclamation, his Lands and Goods shall be Seized to the use of the Colony, and Ordered with due respect to his Family, as the Court of Magistrates shall Judge meet, till he make his lawful appearance; and such withdrawing himself, shall be and stand in stead of one witness to prove the Crime charged, unless he can make it appear to the Court that he was necessarily hindered.

Indignity

Indians.

1. **IT** is Ordered by this Court and Authority thereof; that no *Indian* which shall dwell or come into our Jurisdiction, shall presume at any time to *Pawwaw* or perform outward Worship to the Devil, or other false God, under the penalty of five pounds, or severe Corporal punishment, both of said *Pawwaw* and of such other as shall procure or abett him therein.

Indians not to
Pawwaw or
perform any
evil worship.

2. And that no *Indian* shall resort to any *English* house on the Lords day, especially when any of the People thereof are gone to Meeting, unless upon extraordinary occasion, under the penalty of ten shillings or Corporal punishment by Whipping, as the matter may be circumstanced; and that no *Indian* under the like penalty, prophane the Lords day, by Hunting, Fishing, Fowling, Travelling with Burthens, or doing any servile work thereon.

Not to resort
to English house
on Lords
dayes.

Nor to prophane
the
Sabbath.

3. And forasmuch as sundry Burglariez, Thefts and other Mischiefes and Injuries have been by sundry *Indians* in the night; for prevention whereof;

Nor to be
night walkers.

It is Ordered by this Court, &c. That no *Indian* or *Indians* shall walk about in the Night without necessary occasion, especially at unreasonable Times thereof, under the pain of being Convicted thereby, at least as one Evidence of his or their being guilty of any such mischief or injuries as may happen to be done or committed in such Night, unless such *Indian* or *Indians* can rationally clear themselves thereof.

4. Whereas complaints are made of *Indians* stealing of live Hogs from the *English*, and selling them, and by cutting off their Ears have concealed the Swine,

It is therefore Ordered by this Court, That henceforth no *Indians* shall give any Ear marks to their Hogs or Swine, on penalty of the forfeiture of all such Swine, one half to the County, and the other half to him that shall make seizure of them; neither shall any *Indian* bring any Swine to Sell alive, or dead, whether Ears cut off, or Ears Marked on the same penalty as aforesaid, except he bring good Testimony that he honestly obtained such Swine, to mark of some *English*, or by some accident they were hunted with Dogs, or otherwise that they are really their own Swine.

Nor give any
Ear-marks to
their Swine.
Nor sell any
with their ears
cut off dead or
alive.

And it is further Ordered, That no *English* shall claim any Swine in custody of the *Indians*, but by their Ear mark.

5. For the better Government of the *Indians*, and to help them forward in Civility and Christianity;

Government
of the *Indians*

It is further Ordered, That some one of the Magistrates be appointed from time to time to have the General oversight and inspection of the whole affairs of their Government, as by Law is or shall be Ordered concerning them, and more particularly to take care of the Preaching of the Gospel amongst them, and of the Admission and approving of such of the *Indians* to preach unto them in the several Places or Plantations where they Reside, as he shall Judge most blameless, able and fit for that service to the best satisfaction of the *Indians*, especially of the most sober and discreet amongst them, and to take care to obtain, relieve and distribute amongst them in such manner as he

Taking care of
the Preaching
the Gospel to
them.

And of the ad-
mission of
Indians Preachers.

And with the concurrence of the principal *Indians* to make orders, & constitute Courts, Civil Rulers & other Officers to punish misdemeanors, &c

provided the
grieved per-
son shall have
liberty of Ap-
peal.

shall see meet such Contributions or Part of the *Indians* Stock sent from *England*, or Profits thereof as shall be allowed to them for the same end, by the Gentlemen entrusted with the management of that Affair by the honourable Corporation, for the propagation of the Gospel in *New-England*.

And it is further Impowred, with the concurrence of the Chief or Principal *Indians* (where it may be had) in several Places and Plantations, to make such Orders as may conduce to their more orderly living, and to constitute such Courts amongst them, or appoint such Civil Rulers and other Officers as to him shall seem meet for the execution of such Orders; and punishing all Misdemeanors by Fine or otherwise, which are or shall be committed by them (Capital Crimes only excepted) Provided, alwayes, that the *Indian* grieved at any Sentence passed by them in the absence of such Magistrate, in any Civil or Criminal Case, shall have liberty to Appeal to the said Magistrate for his Determination thereof; and the Execution of said Sentence by the *Indians* to be mean while suspended: and in case such *Indian* be not satisfied with such determination, he shall have liberty to Appeal to the County Court, and Court of Assistants, as is in such case provided for the *English*.

And it is further Ordered; that in the absence of such Magistrate, any other Magistrate: And in such Place or Town where there is no Magistrate, there the Select men, or such other as may be appointed thereunto in the Places and Towns where the *Indians* dwell, shall have the Inspection of *Indians*, and cause them to observe the Orders aforesaid, or such other Orders as by them with the consent of the chief *Indians*, as aforesaid, shall be made, or by the Courts Order and Direction, and to punish the Offenders, they having their liberty of Appeal as aforesaid.

And it is Ordered, That our Capital Laws, and the Laws made against Drunkennes, Burglary and Stealing, shall be executed on the *Indians* as on the *English*.

And it is further Ordered, That all fines arise by reason of any misdemeanor or transgression of the *Indians*, shall be improved by such Magistrates or other Inspector where it shall fall, to defray the charges of the Governing, or Inspecting of them.

Fines on *Indi-
ans* how to be
improved.

No Arms to
be sold to the
Indians with-
out Licence,

Nor lent, nor
ammunition sold.

Not in the
power of carry
Arms without
Licence.

Not in the
power of carry
Arms without
Licence.

Not in the
power of carry
Arms without
Licence.

6. It is Ordered by this Court, That whosoever shall sell or give, directly or indirectly any Arms, as Guns, Swords, Pistols, &c. unto any *Indian* without Licence first obtained from the General Court, shall forfeit five times the value thereof; and whosoever shall lend any Gun to an *Indian*, or sell any Powder, Shot or Lead to them, shall forfeit twice the value thereof, if such person have not first obtained Licence of some one of the Magistrates who are hereby impowred to give Licence to any *English* to lend a Gun for a Month or two in a Year, and to sell some small quantity of Powder and Shot, not exceeding half a pound of Powder, and proportionable Shot at one time to such of our friendly *Indians*, as he shall give a Certificate under his hand:

7. It is also Ordered, That whatsoever *Indians* who have or shall have Guns, or other Arms, that have or shall manifestly appear to be unfaithful and treacherous to us, shall forfeit their Arms, and not suffered to have or carry any Arms until they shall have Licence from the County Court.

8. It is also Ordered, That whosoever shall any wayes sell, hire or give to any *Indian* or *Indians* any kind of Boat, Barge or other Vessel or burthen, or Sail or Tackling to fit up any such like Vessel, shall forfeit twice the value of it:

9. It is also Ordered by this Court and the Authority thereof; That no Person, whither Inhabitant of this Government or other, shall Purchase, Hire or receive of Gift of any *Indian* or *Indians*, any Lands that lie within the Line of this Colony, without the Order and Allowance of this Court, on pain of forfeiting for every Acre, so Bought, Hired, or any wayes obtained of them *five pounds* to the Colonies use: and if the Fine or Forfeiture cannot be obtained, the Lands so procured, shall be forthwith seized for the Colonies use. [1643, & 1671.]

Anno. 1643

None to purchase, &c land of Indian or Indians without liberty

Neither shall any person Buy, Hire or Receive any Wood, Timber, of the *Indians*, without the Courts allowance, on pain of forfeiting five times the value thereof to the Colonies use.

nor Wood or Timber

10. It is also Ordered; That no person within this Government, shall give or sell any Mare to any Indian, on pain of the forfeiture of every such Mare, or the value thereof: and that no *Indian* keep any Mare on like pain of the forfeiture of every such Offence.

none to sell any Mare to the Indians, nor they to keep any.

11. And that equal Justice may be done in such Controversies as may arise between the English and the *Indians*, the *Indians* not hitherto having been admitted to give Testimony upon their Oath, would be greatly disadvantaged, and may be much wronged if no Testimony should in such case be accepted but on Oath;

In trials between English & Indians what testimony to be accepted.

This Court therefore Orders; That any Court, Magistrate or other person, before whom the Trial of any such Case may come, shall duly consider all the circumstances, with the Pleas and Testimony, though not on Oath presented before them, and give Judgment as to them appears to be most just and right, according to their best Understanding and Conscience.

12. Whereas it hath been found by Experience, that trusting the *Indians* before hand, any considerable value, hath not been advantageous but prejudicial both to the English and *Indians*; the *Indians* being very apt to run into many Peoples Debts, where they can be trusted; and there pawning or selling the things they are trusted for at a most inconsiderable price for money, to get Liquor; whereby themselves & families are without any benefit thereby, and the English frustrate of their pay for the same;

Indians not to be trusted but under limitation

It is therefore Ordered; That no English person shall trust any *Indian* before hand, for any thing or things, at any one time, which exceeds the value of *twenty four shillings*; or at any time after, for any such or lesser Sum, until said *Indian* hath first paid for that he first had on trust; on penalty of such *English* being debarred the Recovery by any other Action or Plaint of a v such Debt, more than said *twenty four shillings*: And in case any *Indian* have not wherewith to satisfy such just Debts, he shall be made to Serve it out per rate of *twelve pence* per Day in the Summer, and *six pence* per day in the Winter, and their Diet; and in case they run away, before satisfaction given, then to be Whipt, and made to Serve it out, and pay the Damage: and in no case shall any *Indians* Land be seized for payment of any of his Debts due to any particular Man.

how their just debts shall be satisfied, their Lands not to be seized for debt

13. And it is further Ordered; That no person shall presume to Buy any Guns, Tools, Cloaths, or any other Goods of any *Indian*, on pain of their return of said Guns, Tools, Cloaths, or other Goods to the Owner thereof, free of charge from whom they were borrowed, stolen or purloined by any *Indian* or *Indians*.

None to buy Guns &c. of Indians on pain

14. It is also Ordered; That any of the Magistrates or Select men, with the consent of a Magistrate, may put out any young *Indians* that run
M Ideing

Who may put
out young In-
dians to service
& none to take
them but by a
Magistrates or
der

Ideling about, and are not subject to any Government of their Parents or others, unto some good *English* Masters, to serve till they are *twenty* or *twenty one* years of age, where they may be well Educated.

And that none of the *English* shall detain any of the *Indian* Children to be their Apprentice or Servant, under any pretence of Agreement or Indenture, whereunto some one of the Magistrates hath not first assented and given his Approbation.

Indian run-
away Servants
ho. dealt with

15. It is also Ordered; That if any *Indian* who is a Servant to the *English*, shall run away amongst any *Indians*; such *Indians* to whom such Servants shall come, shall not Entertain such Servants, on penalty of *ten shillings*, but forthwith either carry such Servants himself, or charge the *Indian Constable* forthwith to carry such Run awayes unto his Master, or before some one of the Magistrates, Select men, or other Inspectors of the *Indians*, who may cause him or her to be whipt, and sent home to his or her Master; who shall order what said Master shall pay to the Constable, or other *Indian*, who shall bring his said Servant; and also in what manner said Servant shall allow his Master for the charge and damage he hath put him unto by such Running away.

None to fur-
nish Indians
with strong-li-
quors, &c.

16. Whereas notwithstanding many Orders have been made for the prevention of Drunkenness amongst the *Indians*; yet it doth still abound through their insatiable desire to drink unto Drunkenness, if they can obtain it: and through the covetous evil Principle of some *English* in helping them unto it, not regarding the guilt they thereby contract to themselves, of the Murders, Out-rages, and other mischiefs, which have been the frequent, horrid effect thereof, to the great dishonour of God: For the prevention whereof;

It is therefore Ordered by this Court and the Authority thereof, That whatsoever Person or Persons doth at any time directly or indirectly give, sell truck, or any wayes procure to or for any *Indian* or *Indians*, or any wayes furnish any of them with any Wine, Sider, strong drink or Liquors of whatsoever made, or by whatsoever name the said strong drink or Liquors be called, shall forfeit *five pounds*, provided this Order shall not extend to restrain any charitable act in relieving any *Indian bona fide*, in any suddain Exigent of sickness, faintness, and not to exceed one Dram or two, or by the prescription and direction of some Physician under the hand of a Magistrate first obtained.

what testimo-
ny sufficient
for conviction
thereof,

And it is further Ordered, That the Accusation, Information or Testimony of any *Indian*, or if there be any other probable circumstance attending, it shall be accounted sufficient Conviction of any such Person or Persons suspected, to give, sell, trade, procure or furnish any such *Indians* with any Wine, Sider, strong drink or Liquors, as abovesaid, unless such Person or Persons shall on their Oath clear themselves thereof; in which case they have that liberty granted to them; unless where the circumstances do amount to a sufficient evidence against them.

And if any
such Offender
shall be publicly
whipt.

And in case any such Offender be not able to pay their fine as abovesaid, every such Offender shall be publicly whipt.

And for the better Execution of this Order.

It is Declared, that such as find out and prosecute such Offenders, shall have one third of the Fine, and the County wherein it ariseth the other two thirds.

And further, That it may and shall be lawful for any man to seize on any such Wine, Syder, Strong Drink or Liquors, which he finds in the custody

of any *Indian* or *Indians*, and shall have it for his pains; provided he bring said *Indian* or *Indians* before some one of the Magistrates or Select-men of the Town, to be further examined about it: and if they will not truly discover where they had such Liquors or other Drink, they shall be whipt.

And if it shall manifestly appear to the Magistrate or Court, that such *Indian* hath wittingly falsely accused any *English man* of helping him to, or furnishing him with any such strong Liquors or Drink, such *Indians* shall be whipt.

Lawful to seiz
any Liquors,
&c. found in
an *Indians* cus-
tody.
& if *Indians*
falsly accuse a-
ny, to be whipt

Jurors.

1. **O** Rdered by this Court and the Authority thereof, That the Jurors of Grand Inquest being chosen according to Warrants directed to several Towns, being Returned, Impannelled and Sworn to serve His Majesty thereon, shall inquire into, and present the Breach of such wholesome Lawes & Ordinances as are or shall be here established; & all such Misdemeanors as manifestly tend to the hurt and detriment of Religion, Civility, Peace, Society or neighbourhood, that they shal know or be informed of, upon the testimony of any one or more witnesses upon Oath, to be committed by any person or persons within this Jurisdiction, and to do any other Service which on His Majesties behalf be required of them, at such Courts and times as by Warrant they shall be required; provided no person whatsoever shall be bound to inform, present or reveal any private Crime or Offence, wherein there is no peril or danger to this Colony or any Member thereof, when any necessary tye of Conscience binds him to secrecy, unless it be in testimonies lawfully required of them.

2. Ordered, That petty Juries returned to any Court, as before, shall be Impannelled and Sworn, truly to try between Party and Party, and shall find the matter of Fact, with the Damage and Cost, according to their Evidence, or truly to try between our Sovereign Lord the King and any Prisoners brought to the Bar, and the Judges shall declare the Sentence, or direct the Jury to find according to Law: And in all Cases where the Law is Obscure, so as the Jury cannot be satisfied therein, they have liberty to present a special Verdict, viz. If the Law be so in such a point, we find for the Plaintiff; but if the Law be otherwise we find for the Defendant: In which Case the Determination doth properly belong to the Court: And all Juries shall have liberty in matter of Fact, if they cannot find the main Issue, yet to find and present in their Verdict so much as they can.

3. Ordered, That any Jury-man being orderly chosen and returned to serve at any Court, and shall neglect to attend at such Court as he is warned to at the first sitting thereof, or that after they are Impannelled and Sworn, shall not duly attend any of said Courts, and such Service as belong to them, they shall be fined as the Court that hath the Cognizance thereof shall see cause, not exceeding twenty shillings for one Offence; but if Circumstanced with contempt to be punished according to the nature of such contempt as the Judges shall see meet.

Ordered, That whosoever shall refuse to serve in the Office of a Grand Jury-man, shall pay forty shillings fine to the Town, and the Town to choose another in his room.

Grand Jury
chosen & im-
pannelled
Their Duty

Petty Jurors
impannelled
and sworn to
find according
to their Evi-
dence-

Liberty to
give a special
Verdict.

Jurors to be
fined for ne-
glecting to at-
tend the court
and at the first
sitting thereof

The penalty of
a grand Jury-
Man,

Ordered, That every Grand Jury man be paid by their Respective Towns *two shillings six pence* for every day they have necessarily attended such service.

Court appoint
person to at-
tend such Ser-
vice

If there be want of Jury-men to make up the number, the Court to appoint and require Persons to attend such service on penalty, not exceeding *twenty shillings* unless in case of contempt.

See more of Jurors, Title, Clerks.

CHAP XII.

Lands & Inheritances.

land to be held
according to
the tenor of
East Greenwich

Lands intailed
to descend ac-
cording to the
Law of *Engl.*

who are Heirs

All Brethren
Heirs to him
that dies with
out issue

lands distrained

1. **I**T is Ordered by this Court and the Authority thereof; That whatsoever Lands have or shall be Graunted by the Court, to the respective Townships, or to any particular Persons, either by the Court or particular Townships, shall be Held to them, their Heirs, Successors and Assignes for ever; according to the most free Tenour of *East Greenwich*, in the County of *Kent*, in the Realm of *England*, as Graunted to us in our Patent or Charter.

2. It is Ordered and Declared by this Court and the Authority thereof; That all Lands heretofore Intailed, and that shall be Intailed hereafter, shall descend and enure as by the Law of *England* the same ought to do.

3. It is Ordered and Declared, &c. That all the Sons of any Person, having Lands in fee simple, shall be Heirs (paying and satisfying in case as is by Law provided) the Eldest Son shall have double to any of his Brethren; and all the younger equal Shares of the Land of their Ancestors: and where there is but one Son, he shall be sole Heir, paying and satisfying, as aforesaid: And where there is no Son, all the Daughters shall Inherit alike.

4. And that all the Brethren of the whole Blood, shall be Heirs to any Person dying without Issue; the Eldest Brother to have double to any one of his Brethren: And where there is but one Brother, he shall be sole Heir to such Brother, or other Ancestor: and where there is no Brother, the Sisters of the whole Blood shall Inherit alike.

5. It is Ordered; That all Houses, Lands and other Hereditaments, that have been, or shall be Levied or Distrained, and delivered in Execution, according to Law and Possession orderly given by any Marshal or Constable, or any of their Deputies that Levied the same, and is Returned and Recorded; shall be, and remain to the Party to whom delivered, and his Heirs and Assignes, as good an Estate as it was to the Person from whom Taken or Recovered.

6: That

6. That where Lands, Tenements, Hereditaments fall or happen to be in Partnership; either by Descent, Gift, Graunt, Purchase or otherwise; if any Partner die before it be divided, the Heirs, or Assignes of the Deceased shall have his or their part with the Survivors, as fully as any of the Survivors; Any Custome to the contrary notwithstanding.

Lands in partnership.

7. It is also Ordered; That any Partner may Sue out a Division of any such Land as he or they may shew good reason for.

Liberty to Sue out a division.

8. It is Ordered; that where no Heir or Owner of Houses, Lands, Tenements, Goods or Chattels, can be found upon the Decease of the late Proprietor; a true Inventory of every such Estate, in all the parts and parcels thereof, shall with the first conveniency be duely taken, & a just Apprizeement made upon Oath by fit men thereunto appointed by a Magistrate, or in his absence by the Select Men of the Town where such Estate is; and the whole Estate shall be seized by the Colony Treasurer, till the true Heir or Owner shall make due Claim thereunto, unto whom the same shall be delivered upon just and reasonable terms.

Escheats

9. Ordered, &c. That all Sales, Exchanges, Gifts, Mortgages, or other conveyances of Houses, Lands, and other Hereditaments, shall be acknowledged before some Magistrate; or otherwise that the Witnesses two of them at least to the Deed be Sworn, that the Party, Graunter, Seller, Mortgager, &c. did Seal and Deliver the said Instrument as his Act and Deed, before it be committed to publick Record; Except that by special Order of Court the Clerk be Ordered to Record any Instrument that is not so Proved or Acknowledged: and that after the end of May next, which shall be in the year, 1686. No Sale, Bargain, Mortgage or Conveyance of any Houses, Lands or other Hereditaments, where the Seller, Bargainer, Mortgager, &c. Remains in possession, shall be of any force against other persons, Except the Granter, Seller, Mortgager, &c. his Heirs, unless the same be acknowledged or otherwise proved, as abovesaid, and committed to Record.

Conveyances to be acknowledged before a Magistrate

10. An Act made July 10. 1669. for quieting Mens Estates, and avoiding Suits in Law, touching Title of Lands.

It is Enacted by the Court and the Authority thereof; That no person or persons, having had for the space or term of ten years fully past and expired, any Right or Title of Entry into, or cause of Action for any Lands, Tenements, or Hereditaments whatsoever now detained from him or them, shall thereinto Enter or Commence Suit for, but within five years next after the end of this present Session of Court, and at no time after. And that no person or persons, having had for the space or term of eighteen years fully past and expired, any Right or Title of Entry into, or cause of Action for any Lands, Tenements or Hereditaments whatsoever now detained from him or them, shall thereinto Enter or Commence Suits for, but within two years after the end of this present Session of Court and at no time after.

In case & time Suit may be commenced for Lands detained, & where & when barred

And that no person or persons, shall at any time hereafter, make any Entry into, or Commence Suit for any Lands, Tenements or Hereditaments, but within fifteen years next after his or their Right, Title or Cause of Action or Suit, which shall hereafter first descend, fall or accrue to the same; otherwise such Title or Cause of Action, shall be for ever after barred; and the party or parties claiming, and his and their Heirs utterly excluded from Entry into, or Suit for the same: Provided nevertheless, That if any person or persons

persons which hath or shall have such Right, Title or cause of Action, first be or shall be at the time of the said Right, Title or Cause of Action, descended according, or fallen within the Age of *twenty one years*, Feme Covert, non compos mentis imprisoned, or beyond the Seas, then such person or persons, his or their Heirs, shall or may, notwithstanding the said *fifteen years* expired, bring his Action, or make his Entry at any time within *five years* next after his or their full Age discoverture, coming of sound mind, enlargement out of Prison, or coming into this Country, take benefit of, and so for the same, and at no time after the said *five years*.

It is further Enacted by the Court, &c. That such person or persons as have had Right or Title or Entry into, or cause of Action for any Lands, Tenements, Hereditaments hitherto detained from him or them for the space or Term of *twenty years* fully past and compleat and neglected hitherto, to make his or their Entry, or to commence Suit for the same, shall be for ever Barred and Excluded, and utterly disabled from such Entry or Suit to be made, excepting as in the abovesaid Proviso.

This Act to stand at present, suiting our Infant Estate till the Court see cause otherwise to Order; mean while it shall be the concern of all for the future cause, to obtain the best Evidence they can for the Title and Hold of their Lands.

A supplement to the Prefatory Declaration and Order in the Preface, now Orders by His Majesties General Court held at Plymouth, June, 2d. Anno Dom. 1685. As followeth, viz.

It is by this Court and the Authority thereof, Ordered and Declared, That all the Lands, with their and every their Appurtenances belonging, which have been formerly granted by the Court unto Townships or particular Persons, according to the several Grants or Bounds thereof, shall be and remain to the several Townships and Grauntees, their Heirs Successors and Assignes for ever, in as free, full, ample and beneficial manner, to all Intents, Constructions and Purposes whatsoever, as the Governour and Associates or General Court, by vertue of their Letters, Patents, Declaratory from His Majesty, or by any other ways and means whatsoever might or could Graunt. And that the Governour, for the time being, Confirm all such former Grants of Lands, whether Granted unto Townships or particular Persons which desire the same, under the Seal of the Government, not yet affixed thereunto.

And that the Court of Assistants be a Committee from time to time Impowred to Examine, Allow and Confirm all such Claims of Lands as they find Granted by the Court, either to Townships or to any particular Persons; which being by the said Court of Assistants allowed, shall pass the Seal of the Colony, for further Confirmation thereof; always provided, that if there be any Controvercie arise between Town and Town, or particular Persons, about the particular Bounds of their Lands, they or any of them may have their remedy in Law, any thing hereto to the contrary notwithstanding.

Leather and Shoe-makers.

1. **U**Pon Consideration of the Damage or Injury which may be sustained by the ill Tanning of Leather and by the Shoemakers ill making it up into Shoes or Boots.

It is by this Court Ordered, That in every Plantation within this Jurisdiction, where either Tanner or Shoemaker is employed in their Trades, one or two Sealers shall be chosen and appointed, as the Occasion require, who shall be under Oath, faithfully (according to their best Ability) to discharge their Trust, and shall Seal no Leather but such as they think sufficiently Tanned and fit to be wrought out, and Sold in Boots or Shoes; and that every such Plantation shall have two Seals, to distinguish between good Leather well and sufficient; and such (as though Tanned enough) is in some other respects defective, either by over-liming; or for want of being well wrought upon the Beam, or by Frost, or have received some damage in drying, so that though it may serve for inward or middle Soles, yet not for other uses, without damage to the buyer: All which Leather, so defective, shall be Sealed with a different Seal, that it may be known to be faulty.

Sealers of leather to be chosen & appointed.

Two Seals to be used.

But that which is not sufficiently Tanned, shall neither be Sealed nor used in Boots or Shoes till it be duly Tanned; and that no Tanner within this Jurisdiction shall upon any pretence sell, deliver, cause or suffer to be delivered or pass out of his hands or custody any Hide or Hides, till being fully dry, they be first Sealed by the Officer or Officers thereunto appointed, on the penalty of forfeiting of the said Leather, or the value of it, to the Plantation where the Offence is committed.

No Leather not sufficiently Tanned to be Sealed, nor sold till sealed

2. And it is further Ordered, That if any Shoe-maker shall use or put any un-sealed Leather, either in Boots or Shoes, or put any of the forementioned faulty Leather (though Sealed as such) in any outward Soles or Upper Leather, or in any other place which may be hurtful to the buyer or wearar; or shall use any other ways of Deceit in making up his Ware, he shall make due and full Recompence to the Person or Persons wronged, and complaining; and shall suffer such further punishment as his Offence considered with the Circumstance shall Require.

The Shoemaker that sets unsealed Leather to make recompence & further to be punished.

3. And whosoever shall bring Hides from any other parts, and shall sell or use any of them for Boots or Shoes within this Jurisdiction, before they be Sealed by some Officer here, according to the Import of his Order; or shall use them in Boots or Shoes contrary to the intent thereof; the Hides so sold or used, or the value of them, shall be forfeited to the Plantation where the Offence is committed, or such Recompence or Fine shall be made or paid (if it be only of Ignorance) as the Case may require; provided that both Buyer and Seller be faulty, they shall pay the forfeiture between them: The choosing and appointing of which aforesaid Sealer, or Sealers, the Print or Mark which each Plantation shall set upon their Seals, for good or faulty Leather, with the Rate to be allowed for Sealing, being left to the several Plantations.

Hides brought from other parts and sold or used unsealed to be forfeited. The choosing of the Sealers to be left to the several Plantations;

4. It is Enacted by the Court and the Authority thereof: That the Sealer shall make Search within their Limits, in any House, Shop or Warehouse, where they shall conceive such defective Leather is to be sold or delivered; whither made up into Shoes, Boots or otherwise, as oft as they shall think meet: And seize all such Leather or Shoes; and any Leather Sold or offered

Defective leather to be searched for & seized.

to be Sold, Brought or offered to be Searched or Sealed, contrary to the true intent and meaning of this Order; the same to Seize and Retain in his or their custody: and if the Owner shall not submit to the Judgement of such Officer or Officers, shall within three dayes call to him two or three honest & skilful men in such Wares, to view the same in the presence of the parties concerned, or without him, he having notice thereof: who shall certifie upon their Oaths to the Court, or some one of the Magistrates the defect of the said Leather.

Who to have
the forfeiture

And that the forfeiture of such Leather or Shoes, as aforesaid; one third thereof shall go to the Searcher, and the other two thirds to the Plantation wherein the Offence is committed.

The Sealers
default & pe-
nalty

And if any Sealer of Leather, shall refuse, with convenient speed, to Seal any Leather sufficiently Tanned, Wrought and Used, according to the true meaning of this Order; or shall Seal that which ought not to be Sealed according to this Order, shall forfeit for every such Default *twenty shillings* to the County.

CHAP XIII.

Magistrates.

Magistrates po-
wer to grant
Attachments,
Summons, &c

Ordere*d* by this Court and the Authority thereof; That any Magistrate shall have, and hereby hath power out of Court to grant Attachments, Summons, *Sub poenas*, Hue and Cries, Warrants for Distress according to Law, for Rates and Fines, Warrants to apprehend any person for breach of any Capital or Penal Law, or for any Misdemeanour, or for Persons suspected thereof.

to hear & de-
termining the
breach of penal
Laws under
40 s.

Ordered, That a Magistrate may Hear and Determine the Breach of any Penal Law or Misdemeanour, where the penalty doth not exceed *forty shillings*, or the Punishment greater than sitting in the Stocks, or Whipping, not exceeding *ten stripes*.

all actions of
Debt, not ex-
ceeding 40 s.

Ordered, That a Magistrate may Hear and Determine all Actions of Debt, Trespas or Damage according to Law, not exceeding *forty shillings*, he keeping Records of all his Sentences, Judgments and Determination; and may Grant Executions for any Sum he hath given Judgment in, in any Action that hath been Tried by him.

to examine all
suspicious per-
sons, &c

Ordered that a Magistrate may examine all suspicious persons, hear all Complaints, and where the matter is greater than he by Law may issue, to Bind such Persons over to the County Court, to Answer for the same; and such Person not giving sufficient Security, to Commit such person to Prison, signifying his Crime briefly in his Mitimus.

To administer
Oaths

Magistrates may Administer Oathes, may Commit to Prison any that shall refuse to give Testimony being lawfully called thereto; May commit to

Prison

Prison any person that shall refuse to acknowledg a Deed that hath been by him Signed, Sealed and Delivered.

Magistrates may Summons Juries to inquire into untimely Deaths. May Commit to Prison upon the non-payment of a Fine. May Marry Persons legally Published, and keep Records of the same: shall suppress forceable Detainers; Routs, Riots, and Imprison such Offenders. May Graunt Warrants to Impress Workmen, to make and repair Prisons, Bridges and other Instruments of Justice, and order payment by the Countrey, County, Town or Person that ought to pay the same.

In case to commit to Prison.

May Fine, not exceeding *five shillings*, or punish by Corporal Punishment, such as take away Horses, Cattle, Boats, Cannoes without leave of the Owner.

May for want of Security, commit to Prison persons Guilty or Suspected to be Guilty of any Crime or Misdemeanour, where there may not be reason for a present issuing of the same.

May do any other matter or thing by Law committed to them.

Marriages, Births and Burials.

O Rdered, That the Town Clerk in every Town in this Government shall keep a Register of the Day and Year of the Marriage, Birth and Burial of every Man, Woman and Child in that Townshipp; and shall have for Registring, *four pence* a piece. And if any Father or Mother, or next in Relation neglect a Moneth, to give in the Names and Birth day of their Child, together with the Clerks Fees, they shall pay *three shillings* fine to the Town Clerk. And whosoever shall neglect to give in their Names, and the day of their Marriage to the Town Clerk, a moneth after Marriage, shall pay *three shillings* as aforesaid. In like manner shall any Head of a Family that neglects to give an account of any Burial out of his Family. And the Town Clerk shall annually give in to the Clerk of the County Court a true and perfect Copy of all Marriages, Births and Burials that have been in their respective Towns, on penalty of *four shillings* fine to the County, and the Town Clerk to pay the County Clerk one quarter of his allowed Fees.

A Register to be kept of Marriages, Births & Burials by the Town Clerk

by him to be exhibited to the Clerk of the County Court yearly.

1. Ordered, that the Town Clerk shall publish as the Law directs, all Contracts or purpose of Marriage in the Town, and have *one shilling* for his Fee, for every such publication.

Town Clerk to publish Marriages.

2. Ordered, That no person be joyned in Marriage before the intentions of the parties proceeding therein hath been three times published, at three publick Meetings in the Town where the parties either of them do ordinarily reside; or by setting the same up in Writing upon the Door of the Meeting-house, or other convenient place by the Door, in publick view; there to stand as it may easily be read fourteen dayes.

None to be married without publishing and how to be published

3. Ordered, that none shall be allowed to Marry that are under the covert of Parents, Guardians, Masters or Overseers, without their consent and approbation.

None shall marry that are under covert without consent of &c.

4. Ordered, That whosoever shall go about to inveigle, or endeavour to steal the Affections of any Mins Daughter, Pupil or Maid servant, without his consent or leave, shall be fined to the County, not exceeding *five pounds*; or by Corporal Punishment, as the County Court shall see cause:

But

But if a meet Marriage be orderly proposed, and any Master or Guardian out of any sinister end or covetous desire, will not upon reasonable terms suffer it to be; it shall be in the power of the two next Magistrates, upon complaint, to hear and determine the same, as they judge equal between both parties.

Who to solemnize Marriage

5. It is also Ordered, That no person in this Jurisdiction shall joyn any Persons in Marriage but the Magistrate, or such other as the Court shall Authorize in such place where no Magistrate is near: nor shall any other joyn themselves in Marriage but before some Magistrate or person Authorized as aforesaid; nor shall they be suffered so to do, without they have been lawfully published.

those to keep Register of such Marriages

Whereas many neglect to give in their Names and time of Marriage to the Town Clerk, whereby much inconvenience may arise; For Prevention whereof:

It is Ordered, That such Magistrate or Person Authorized, shall keep a Register of all Marriages, their Names, and time of joyning together: But this shall not excuse the person Married, of giving in his Name to the Town Clerk, as by Law is provided.

No man strike his wife or woman her husband

6. Ordered, That if any Man beat his Wife, he shall be fined five pounds to the County, or suffer corporal Punishment, as the County Court shall see meet. And if a Woman beat her Husband, she shall suffer such punishment as the County Court shall determine.

Maritime matters.

Ordered by the Court; That all *Maritime matters* shall be Tried at County Courts, by the Laws and Customs of England.

Marshals and Constables Directions

Attachments Summons, &c. be served by Marshals, Constables or their Deputies

A return to be made thereof.

1. IT is Ordered by this Court and the Authority thereof; That the chief Marshal, County Marshal, or the Constable of any Town, or their Deputies deputed under their hands, may Serve any Attachment, Summons, Executions and Warrants directed to them from lawful Authority; and shall make a Return of all Attachments and Summons according to Law. And all Marshals and Constables, or their Deputies, to whom Executions and Warrants are directed by any Court or other lawful Authority, they shall faithfully and speedily Execute the same according to Law; and make a return of their doings thereon, by virtue of the same, under their hand to the Clerk of the Court, or Magistrate, or other person Authorized from whom the same came, in two moneths after receiving the same; that so the said Execution, and Return of any thing be done thereon may be Recorded. And if the Execution or Warrant be not Levied or Distrained, or not fully satisfied, the Clerk or Person to whom the Return is made, shall Record what is returned; and upon request of the party, graunt out another Execution or Warrant for the Sum, or so much thereof as is unsatisfied; and such Officer as shall neglect his Duty herein, shall pay double damage to the party concerned.

Ordered

Ordered, That in Levying and serving all Executions or Warrants for Debts, Rates or Fines, the Officer shall first repair to the House or Place of usual abode of the party against whom it is granted, and there demand Satisfaction of and for the same, which having done, and no Satisfaction made, he shall then Levy his Execution, or make his distraint upon goods *lyable* thereunto by Law; together with all allowed Fees and necessary Charges put to in Levying and Transporting the Goods or Chattels to the Treasurer or party concerned, who is to receive the same: And in case there be not sufficient Estate, Goods or Chattels found or tendred to satisfy such Execution and Warrant, it shall be lawful for the Officer to Levy the same upon House or Land, if owned by, or shewed to be the Estate of him against whom the Warrant or Execution is granted. And in no case shall the Officer be put to seek his Goods or Chattels further than his House or place of usual abode: But if he refuse to discover his Goods or Lands to a sufficient value, the Officer may then Levy his Execution or Warrant on his Body, who shall be kept in Prison till that Satisfaction be made at his own charge, if he have wherewith, otherwise to be kept at the charge of the Creditor.

Satisfaction first to be demanded by the Officer before distraint be made

Levy to be made upon House or land if other estate be not found.

The Officer in no case to be put to seek for estate further then the parties usual place of abode.

Ordered, That it shall not be lawful for any Officer to Levy or Distrain the Beast of the draught (unless for damage Feizant) nor any Mans necessary Bedding, Apparel, Tools, Arms or such Implements as serve for his necessary use, without expresse Order from the Court or some one Magistrate.

Such *lyable* to fine or other punishment who expose anothers goods to distraint in stead of his own

Ordered, That if any Person shall presume to expose and shew an Estate to satisfy an Execution or any Warrant for Distress, that at the time thereof was not his own, he shall be liable to a fine or other punishment as the Court shall see cause, and the Party to take out a new Execution for the Sum, or so much as he occasioned the former Execution to be wrongfully laid on.

Vide more Title Constables.

Mills and Millers.

Ordered, That no Miller shall take above a sixteenth part of the *Indian* Corn he Grinds for Toll nor of any other Grain, unless where the Towns make other agreement with their Miller.

how much toll Millers may take

Ordered, That Every Miller shall have alwayes ready in his Mill, Weights and Scales provided at his own charge, to weigh Corn to and from the Mill, if it be desired.

They are to have weights & scales

Ordered, That every Miller in this Government shall keep in his Mill two Toll-dishes, so made and Sealed, that one will hold a just Pottle up-heaped, and the other a Quart up-heaped; and shall pay *ten shillings* a Month for what time they use unsealed Toll-dishes, if complained of.

Two Toll-dishes sealed.

Measure.

Measures.

W Hereas there is great Inconvenience by Reason of the Measures in this Colony, differing from the Measure of other Colonies;

A Coopers
Standard to
be procured &
other Measures
that are allow-
ed to be made
by it

It is Ordered, That the Country Treasurer at or before the first of September next, procure a Copper Standard, viz. half Bushel, half Peck, and Quarter, that be of the size of the Copper Standards of the Massachusetts Colony had lately from London, and that every Town have a Standard made by the same at or before the tenth of November next (to be sealed by the Treasurer) on penalty of the forfeiture of forty shillings to the County, for the Town that neglects; and the like sum every three Months they are without, and the Town Clerk to seal Measures in the several Townships, and have six pence for each Measure he seals; and it shall not be lawful to use any other but such Measure so sealed after said time: The Seal to be the Letter P.

Meeting-Houses.

Meeting-hou-
ses to be Ere-
cted in every
Town.

IT is Enacted by the Court, That there be a publick House Erected in every Town of this Government, for the Town comfortably to meet in, to Worship God; and in case any Town shall Apparently neglect or refuse to Build the said House, it shall be in the power of the Governour and Magistrates, or County Courts, to Appoint and Authorize a Person or Persons to Build the said House according to the Ability and Necessity of the People, and the Charge thereof to be defrayed by all the Inhabitants and Proprietors of the Town.

Ministers Maintenance.

Ministers main-
tainance how
to be raised

IT being the great Duty of this Court, and having been the Pains, Care and true Intent of former Courts, in the granting of the several Plantations and Townships in this Colony, to provide for the better carrying on the publick Worship of God, that are Able, Godly Teaching Minister or Preacher of the Gospel, should be obtained and duly encouraged and maintained by all the People of such Place or Township, and for that end have granted to them such Accommodations and proportions of Lands as they might be Comfortably enabled to give due Encouragement to such Preacher of the Word of God amongst them, in so good and necessary a Work for the Glory of God and the good of Souls;

It is therefore Ordered by this Court and the Authority thereof, That in whatsoever Place or Township there shall be an Able Godly Teaching Minister or Ministers, Preacher or Preachers of the Word of God, who are approved by this Government, there shall a Rate be made on all the Rateable Inhabitants of such place with the Country Rates, by the Raters chosen as per Law is provided, for the raising of such sum or sums as may be competent and honourable according to the Ability of such Place or Township, for his or their comfortable Attendance on his Work as shall be agreed by the people of

of such place, or by the Court of Assistants, County Court or any three Magistrates, as there shall be occasion or need requiring; and to be paid in no worse species than the Magistrates Salary is to be paid in, and at such seasons; and to be gathered by the respective Constables of such Places or Townships; and delivered in, free of charge to such Minister or Ministers, or such other person or persons, as by the People of said place, or by the Court, Countrey or County Treasurer shall be appointed for the use of said Minister or Ministers, on pain as *per* Law is provided in other cases for defect of Rates, Constables or others concerned in the premises; unless there be other care taken to the satisfaction of the Minister, and the Inhabitants of such Towns.

And it is further Ordered; That in every place where there is a Village or Township, settled or begun to be peopled, though not filled with Inhabitants; and they or some of them desirous to promote the publick Worship of God amongst them, shall be assisted by the Government, so as the charge in their getting and maintaining of an able, faithful Preacher of Gods Word, shall be raised upon the Lands, Chattels, and other Rateable, on all the Rateable Inhabitants of any such place, or other Proprietors of any such Lands or other Rateable Estate of theirs in any such place found, although such Proprietors do not there reside: and where the Inhabitants of any such place or Township are remiss and negligent to obtain an able faithful Minister or Preacher of the Word of God amongst them, the General Court may, and henceforth shall impose such yearly sum or sums as to them seem just and equal, to be raised on all the Rateable Inhabitants of such Place or Township, and gathered by the Constable, and delivered to the Court of Assistants, County Courts, or Treasurers Order, and helpt as a Stock to be disposed as the Court of Assistants or County shall Order for the Building a Meeting House, or encouragement of some to Preach the Word of God amongst them: And where the Minister shall scruple to receive what is raised, as aforesaid; yet notwithstanding, it shall be gathered by the Constable, and disposed of by the Court to some other pious use, wherein special respect shall be had to the good of said place.

How the Inhabitants shall be assisted in getting and maintaining an able Minister.

& what to be done where the Inhabitants are negligent therein

CHAP XIV.

Military Affairs.

FOr the better Regulating the Military Forces of this Colony, and Training our Souldiers for such Service as they may be called unto;

I. It is Ordered by this Court and the Authority thereof; That the Souldiers, whither Horse or Foot, within each County in this Colony, shall be a Regiment; and each Regiment be Commanded by a Sergeant Major: each Town having sixty Listed Souldiers to be a Company, and have three Commission Officers, *viz.* Captain, Lieutenant and Ensign: And other Towns and Villages where there are less number of Listed Souldiers, to be commanded

The Souldiers in each County to be a Regiment & commanded by a Serj. Major Companies their Officers

And how to
be chosen.

All between
sixteen & sixty
to attend
Trainings.

Who are ex-
empted from
them

How they are
to be punish-
ed who ne-
glect Train-
ings & refuse
to pay their
fines

Fines to be im-
proved for sup-
plying the
Company.

How every
Person of six-
teen years old
is to be provid-
ed with Arms
and Ammuni-
tion

Four dayes in
a year for Ex-
ercising, and
how to be war-
ned.

by such Officers as the General Court shall see cause: The Major to be chosen by the General Court; the Captain, Lieutenant and Ensign, to be nominated and presented by the several Towns to the General Court, by them to be approved and commissioned: and all Commissions to be under the Seal of the Colony, and the hand of the Governour, and Subscribed by the Secretary.

2. It is Ordered; That all Men between sixteen and sixty years of age constantly attend all Military Trainings, when duely warned, under the penalty of *three shillings* in Money, or equivalent thereunto for every neglect, to be collected; or for non-payment, to be Destrained by the Clerk of said Company, unless the next Training day after such neglect, they render their excuse to their Commission Officers; and they or the major part of them be satisfied therewith: Notwithstanding, such persons hereafter mentioned are exempt from Trainings, Magistrates, Ministers, Physicians, profest Schoolmasters, Secretary of the Countrey, Clerks of the County Courts, and Marshals, Constables, constant Herdsmen, and constant Millers; Master of Ships or Vessels, that are most imployed beyond Sea, such as have three Natural Sons that are Listed Souldiers in the Company, and such as for Bodily Infirmy Excused by the County Courts; and that all Persons not exempt by Law, neglecting or not attending their Duties, that the Clerk cannot find, or that will not shew an Estate to the Clerk that he may destrain thereon, such Person or Persons shall be liable to such Military punishments as the Captain and Commission Officers shall see meet, according as the neglect may be circumstanced; and if they neglect two Training Dayes together, or twice neglect other such Service as is Legally required of them, and refuse to pay their fine or show an Estate to the Clerk, or render a sufficient Excuse to the chief Officers; it shall be lawful for the Captain or chief Officer, to send for such Person into the Field by a Constable, that there he may receive Punishment according to his Demerit; and the Constables in each Town are required to yield Obedience to such Orders, unless such Person shall Appeal to a Council of War, and give security to prosecute the same, to abide by their determination.

3. It is further Ordered, That all fines for neglecting Training, Watching or Warding, defect in Arms, and all other Military fines shall be improved for the supplying the Company with Drum or Drums and Colours, and otherwise disposed of for the good of the Company, according to the direction of the Major part of the Commission Officers of each Company.

4. It is further Ordered, That every Male Person within this Colony, of what Ranck or Quality soever of sixteen years of Age and upwards, shall alwayes be provided with, and keep well fixt and fit for Service, a good Fire lock Musquet not exceeding four foot three inches Barrel, nor shorter than three foot nine inches, nor under bastard Musquet Bore, or to the satisfaction of the Commission Officer; a Priming Wyre and Worm, and also with a good Sword or Cutlase, one pound of Powder, twenty Bullets suitable to his Piece, Bandileers or Catouch Box, and thirty Flints; under the penalty of *ten shillings* fine for want of a well fixt Musquet, and *two shillings* a piece for every other Defect.

5. Also that every Captain or chief Military Officer in every Town or Village, do every year call forth the Souldiers to Exercise in Motions and Use of Arms, shooting at Marks; or otherwise according to his best Direction. It shall be counted lawful warning if the Serjeant or Clerk by Order or Warrant from their Superior Officer, give notice at a publick Town meeting

or by writing set up publickly three dayes before the day appointed for Training, or any other way that may be agreed on by the Major part of the company; and every Souldier is to appear upon such warning compleat in his Arms at his Colours or usual place of meeting at eight a'clock in the Morning, and if they exceed nine a'clock, the time to be judged by the Commission Officers, then to pay *one shilling* fine to the use of the Company, and to be demanded; and upon refusal or non payment, to be Levyed by the Clerk on the Party that is the Delinquent.

6. Ordered, That all Souldiers, Inhabitants of the Town that are *twenty one* Years of Age, and have taken the Oath of Fidelity or Free-mans Oath, shall Vote for the nominating of Persons to present to the Court for Commission Officers, for chusing of Serjeants for the Company, and likewise for a Clerk.

7. Ordered, That whosoever of said Company shall be chosen Clerk as before, and shall refuse said Office, shall pay *forty shillings* fine in Mony value to the use of the Company, and the Company to chuse another; and no man shall be compelled to serve above one year in five; and that the Clerk for his Encouragement and Trouble shall have one quarter part of all fines; he shall attend the Company the whole day; call over the List at the Captains or chief Officers appointment, to take notice of all such as are absent and other Neglects and Offences in time of Exercise: Said Clerk to demand and receive, or for non payment, to destrain for all fines in thirty dayes after they are payable by Law, and three Months after such time the Clerk to be Accountable for all fines, and stand charged therewith, deducting his own part, and to dispose of the other parts as he shall have Order from the Captain or chief Officer; and upon his refusing or neglecting to pay what shall be due, as aforesaid, it shall be Lawful for a Constable, by Warrant from under the hand of said Captain or chief Officer to Levy the same out of said Clerks Estate.

8. It is Ordered, In case of the Clerks destraining for any fine, they may do it by virtue of their Office without Warrant, and shall observe the Law in such Case provided.

9. Also the Commission Officers, or major part of them shall have power to punish such Souldiers as shall commit any disorder or contempt upon the day or time of Military Exercise, or upon Watch or Ward, by any Military punishment, or by fine not exceeding *twenty shillings*, and upon any great Offence may refer the same to the determination of the Council of War.

10. Ordered, That at least once a year, one of the Commission Officers, together with the Clerk and any other of the Officers he shall see cause to take with him, shall from House to House view the Arms and Ammunition of all persons lyable by Law to keep Arms, and exact the fine of all such as they find not fixed, and provided as the Law requires.

11. Every Town Defective, in or wanting a Drum, or if Sixty Families have not two Drums in two Months, to pay a fine of *forty shillings* to the County.

12. That every Town provide Colours, Drums and Halbarts for the use of the Company; the same to be maintained by the fines, if they amount to enough for the doing of it, and other necessary charges of the Company, otherwise to be supplied by the Town.

13. That there shall be a standing Council of War, or Court Marshal

Who are to Vote for persons to be presented to the Court for Commission officers

his fine that re-
fereth the of-
fice of a Clerk

Clerks work
duty and re-
compence

The Clerk may
distrein by vir-
tue of his Of-
fice,

Commission of
ficers power

Who & how
oft to view
Arms & Amu-
nition

penalty for de-
fect of Drums.

Colours, &c.
how to be pro-
vided, &c

council of war
or Court Mar-
shal its consti-
tution.

in the Colony, consisting of the Governour and Deputy Governour, Assistants, the Majors of the several Regiments, and three others to be appointed by the General Court, one out of each County, the major part whereof or so many in any suddain Exigence as get together, shall make a valid Act of any thing within their Power, provided there be five at the least agreeing thereunto.

Its power

The said Council of War by Warrant to Impress Men, Horses, Carts, Provisions or other necessities for any Expedition or Military Occasion, to proportion the number of Men, by each Town to be sent forth in any Service, to give Directions & Orders to Military Commanders, & if need require to appoint and Commissionate, to send forth as there may be occasion, to hear and determine all Appeals from the Sentence of Commanders of Companies, or matters by such Commanders referred to their Determination, and punish Offenders referred to them.

What Stock of
Arms & Amu-
nition for the
Colony.

14. That there be provided a Stock of Arms and Amunition for the Colonies Service, the quantity to be determined by the Council of War, and by them to be disposed and secured.

For the parti-
cular Towns.

That every Town, for every thirty of their Listed Souldiers, or proportionably provide thirty pounds of Powder, one hundred and thirty pound of Bullets, one Hogshead of Flints, two Muskets, six Cattouch Boxes; on penalty of five pound to be paid by each Town defective to the Major of the Regiment where the defect is; and by him with the Captain or chief Commander, or major part of them, to be disposed of by them for the use of said Regiment; said Major with two of the Captains Annually to inspect every Town Stock within their Regiment and where defective, by Warrant from the Major and said two Captains to the Marshal, to demand the fine of any Man of said Town; and upon non-payment to distraint the fine of any Man of said Town, and he to have the same, and his Damage to be made good by the Town upon Complaint to the County Court, and they to Order the same.

Military Wat-
ches & Wards

15. That in times of Danger there shall be Military Watches set in each Town, and Warding according to the discretion of the chief Commander or Town Council, or such other Orders they may receive from Superiour Officers or Council of VVar; and all Persons liable to Train shall be lyable to attend the same, on penalty of three shillings a Day, and three shillings a Night for their Neglect: None in time of Danger shall force himself upon any Sentinal upon the peril of his Life, being warned three times to stand.

Alarms how
to be attended

16. That in case an Alarm orderly made, every listed Souldier forthwith shall repair to his Colours or place of Parade, completely Armed and fitted according to Law, under the penalty of five pounds to be paid, &c. and that they shall there attend such Service as they shall be appointed by their Commander, on pain of suffering such punishment as a Court Marshal or the Council of VVar shall inflict. An Alarm shall be by shooting of two Guns distinctly, and crying Arm, Arm, Arm: The Alarm shall be taken and carried from Neighbourhood to Neighbourhood, and so from Town to Town; and the Shooting of said Guns, or giving Order for the Alarm, Horse and Man forthwith dispatched to the Magistrate, Deputy, Select men or Constable of the next Town to inform them of the occasion, who shall forthwith send to the next Town, and so from Town to Town throughout the Colony, who shall take the Alarm, and put themselves in a Posture of Service as there may be Occasion.

What to be
taken for an
alarm

17. That

17. That the Magistrate, if there be any; the Commission Officer or Officers, and three more of each Town, to be by the Town chosen to be a Town Council; and them or the major part of them to dispose of the Arms and Ammunition of the Town, and give Orders what to be done in case of Alarm or sudden Exigence, which shall be attended unless farther or other Order from the Major or Council of War.

Town Council
their constitution & power

18. That the Major of the Regiment, as there may be occasion, to call together the Captain and chief Military Officers to consider of any thing that may conduce to the good of a Regiment, and well ordering of the same.

The Major to
call his officers
to consult

And that there be Regimental Musters of the Souldiers of each Regiment once in three years; *First of Plymouth Regiment, Secondly of Barnstable, and Thirdly of Bristol, and so from time to time successively.*

That if a competent number of suitable persons present for a Troop of Horse within any the said Counties, they shall be encouraged, and suitable Officers being by them presented, shall be Commissionated; and the Troopers to Exercise four dayes yearly, on penalty of *ten shillings* every neglect: and in case of an Alarm, said Troopers forthwith to attend the Major of the Regiment, in order to further Service; each Trooper to be provided with a good Horse, Carbine, a pair of Pistols, Holsters, and other Accoutrements, requisite for a Trooper, on penalty of *ten shillings* for every defect: the fines for the use of the Troop; and all Officers to be chosen, and Clerk to act as in Orders in Foot Company.

Liberty for a
Troop

It is Ordered, That none that hath been, or is Commission Officer, shall be obliged to Serve as a private Souldier; or any Military Officer other than a Commission Officer.

Privilege of
Commission
Officers

Ordered, that if any single person, through idleness, or otherwise, neglect to provide himself Arms, a Magistrate, or the Select men, shall put him out to Serve for Arms according to their discretion.

For idle per-
sons not pro-
viding Arms

Ordered, That if any Man be sent forth as a Souldier, and be maimed in the Service, that he is disabled from following his occasions; he shall be maintained by the Colony whilst he lives, according to his quality and the capacity in which he Served: And when Dead shall have the Burial of a Souldier.

Maimed Soul-
diers to be pro-
vided for.

CHAP. XV.

Pound or Impounded.

in every Town
a Pound

Cattle to be
Replevied or
damage satis-
fied

In what case
cattle trespass-
ing may be
impounded &
where

what sufficient
proof of cattle
that did da-
mage

cattle damage
feizant what
allowed for
driving to
Pound

IT is Ordered, &c. That in every Township of this Government, there shall be a good and sufficient Pound from time to time, for Impounding of such Horses, Cattle or Swine as Trespass any Mans Corn-field or other Inclosures, under the penalty of *five pounds* fine to the County, and the like Sum every three moneths they are without: And whosoever Impounds any such, shall give present notice to the Owner, if he be known, or otherwise they shall be Cried on the two next Lecture daves or publick Meetings: and if any of them escape out of the Pound, the Owner if known shall pay all damages according to Law: And every person or persons having notice given, or otherwise left in writing at their house or place of their usual abode, of any of their Cattle Impounded, or otherwise Restrained, shall forthwith give satisfaction to the Party so wronged, or otherwise Replevy their Cattle, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Cattle by standing in the Pound or other lawful place of restraint: But if the Owners be not known or found, after such Beast be cried as aforesaid, or inquiry made through the generality of the Towns, with notice given to some of the Neighbours of the next Towns for their occasional inquiry; likewise, that the Owner may take notice, make his claim, and pay the Damage and Charge: and if yet no Owner be found, then after due Apprizement by indifferent men chosen by a Magistrate, or any two of the Select men of the Town, and the same Recorded in the Town Book; Sale to be so far made that the charges be fully paid, & the remainder kept till the Owner be known; & the rest of the Cattel first Markt to distinguish them, to be again turned into the Woods: But if the Owner appear in six moneths, he may have his Beast or Beasts, paying all charge and damage.

2. It is Enacted by the Court and the Authority thereof; that if any man have damage done by Horses, Swine, Sheep or Neat Cattle, and the damage done is full a Mile and more from Town Pound, then it shall be law; for such an one to Impound the Beast that hath Trespassed, in a Pound, House or Place of Restraint, erected upon his own Ground twenty four hours, and that he shall within six hours give notice to the person that owns the Beast or Cattle, which if the Owner will not come and satisfy, then he that hath the Trespass done, he may drive them to the Town Pound, and shall have what is necessary for the driving of them, together with the damage: And he that Impounds the Cattle or Beast, shall give Oath before a Magistrate or Select Man, if required, what Cattle or Beast did the damage so far as he knoweth; and that shall be taken for sufficient proof, when other cannot be obtained.

3. It is Ordered by this Court; That Horses, Cattle, Sheep and Swine, that are taken damage feizant and Impounded, shall pay *one shilling* for each Horse-kind; Colts with their Dams under a year old excepted: *eight pence* a Head for Neat Cattle; *one penny* a piece for Sheep, *six pence* a Head for Swine, to be paid by the Owner of such Creatures, to the Owner or Possessor of the

Lands

Lands where such Trespass is done, for his or their driving them to Pound, together with such Fees to the Pound-keeper as each Town agree on; besides such Damage as can be made out according to Law.

4. And whereas Impounding of Cattel, in case of Trespass, hath been always found needful, and all the breaches about the same, very offensive and injurious.

The penalty of
Rescues or
Pound breach.

It is therefore Ordered, that if any Person shall Resist or Rescue, any Cattel or Swine going to the Pound, or shall by any way or means convey them out of Pound; or Custody of the Law, whereby the Party wronged may lose his Damage, and the Law be deluded in case of meer Rescues, the Party Offending shall forfeit to the County Treasury forty shillings; and in case of Pound Breach five pounds; and shall also pay all Damages to the Party wronged; and if in the Rescue any Bodily Harms be done to any Person, or otherwise, they shall have Remedy against the Rescuers; and if either be done by any not of Ability to answer the Damage and Forfeit aforesaid, they shall be Whipt by Warrant from any Assistant, before whom the Offender is Convicted, in the Town where the Offence is committed, not exceeding fifteen stripes, for the meer Rescue or Pound Breach; and for all Damages to the Parties, they shall be satisfied by the Offender in Service; and if it appear there were any procurement of the Owners of the Cattle, or that they were Abettors, they shall all pay Forfeitures and Damages as if themselves had done it, one fourth part of all fines for the Breach of this Order, shall be to him that prosecutes the same to effect; Provided that the Complaint be Prosecuted within six Months, otherwise they shall not be heard.

Sabbath,

1. **T**His Court taking Notice of great abuse, and many misdemeanours committed by divers Persons many ways, prophaning the Christian Sabbath, or Lords Day, to the great Dishonour of God, Reproach of Religion, Grief of the Spirits of Gods People;

Prophaning of
the Sabbath.

Do therefore Order and Enact, That whosoever shall Prophanie the Lords Day by unnecessary servile work, unnecessary travelling by Land, or passing by Water, by bearing Burthens, carrying of Packs, or by Buying or Selling, or by Sports or Recreation, shall for the first Offence pay ten shillings fine to the Town, or be committed to Prison, or safe custody till the next Day, and then sit in the Stocks two hours: and for the second Offence shall pay twenty shillings fine to the County or be Whipt; and so from time to time as often as they shall be Convicted of the like Transgression afterwards.

2. It is Ordered, That if any Person henceforth, either on the Saturday Evening, or on the Lord's Day Evening after the Sun is Set, shall be found sporting in the Streets or Fields of any Town in this Jurisdiction, drinking, or being in any publick House of Entertainment (unless Strangers or Sojourners in their Lodgings) or uncivilly walking, and is duly Convict; such Persons so Offending, shall for every Transgression pay five shillings fine to the Town, or sit in the Stocks, not exceeding two hours.

To be found
Sporting or
drinking on
Saturday or
Sabbath day
nights after
sun set.

3. It is Ordered by this Court and the Authority thereof, That in no case shall any Person Travail further on a Sabbath Day than from the place where he lay the Night before to the next Town on his way, nor shall he

How far & in
what case to
travel on the
sabbath.

have liberty, unless it be where there is no allowed Meeting in said Town, *Bona fide*, to go to the Meeting that is at the next Town, and so order it as to be there before the beginning of the Morning Exercise: and if any person shall presume to Travail on the Sabbath, from the place he took up his Lodging on the *Saturday* Night, unless, as aforesaid, or shall pass through the next Town before the Sabbath be ended, he shall be proceeded with for Breach of Sabbath, as is by Law provided, unless it appear it hath been in case of Life and Death, or that he hath a Licence from some Magistrate or one of the Selectmen of the Town; and it shall be lawful for the Constable or any other person to stop and bring before Authority any person suspected for the Breach of this Law: and if any person hath obtained a Licence to Travail by a false pretence, he shall any time in a twelve Month be liable to be apprehended and punished for his Breach of Sabbath, and *ten shillings* besides, as a fine to the Town.

Ordered, That in Towns, Villages or other Places, if any Person or Persons shall be found Walking or Riding about the Town, or Visiting of the Neighbours, or upon any other occasion from their own Families, or place of abode on the Sabbath Day, unless it appear it was upon account of some Act of Piety, Mercy or Necessity, such persons so offending shall be proceeded with as Sabbath-Breakers.

Schools.

Latine School
its encourage-
ment.

1. **O** Rdered by this Court and the Authority thereof, That every County Town shall have and maintain a Latine School; which if they do, and the Master judged by the major part of the Ministers of the County, a Person capable to bring up Youth fit for the Colledge; then such Town for their encouragement shall have one third part Annually of the Money Raised on the account of the Cape Fishing: and if the County Town refuse or neglect the same, then such other Town that hath such a School shall have said Money; and if more than one such in the County, where the County Town neglects, then said Money to be divided between them: And where there is no such School in the County, then the Money to be for the Colonies use.

Maintenance of
Schools how
to be raised

2. Ordered, That in any County Town where such School-Master is provided, whether by the major part of the Town, or upon their neglect, by a minor part, with the approbation of two Magistrates; such Town shall pay *twelve pounds* per annum, to be raised as other Town Rates annually for such School-Master: and such as have the immediate benefit by sending their Children, to pay *three pence* a Week for Writing and Reading; and *six pence* a Week for a Schollar after he comes to his Grammar: and every such School-Master shall be capable to teach to Write and Cypher: and shall receive Children after they are fit to begin in their Plaster: And any that send their Children from any other Town in the County, not to pay for their Schooling.

Swine.

WHereas Complaint is made of much Damage done by Swine Rooting up Meadows and Inclosures; For the Prevention whereof:

It is Ordered and Enacted; That on notice given to the Owners of such Swine from the party damaged, said Owners shall forthwith Ring, or cause to be sufficiently Ringed all such Swine, on penalty of one shilling to be paid for every such Swine that shall be un-Ringed, after such warning given by the wronged party, and as often as the Owners of such Swine shall be warned to Ring them: The said Penalty to be to such as receive the damage, or prosecute the same.

Swine to be
Ringed

Town Affairs.

IT is Enacted by this Court and the Authority thereof; that every Township in this Government, shall have and hereby have liberty and power to meet together, and make such Town-Orders as they shall think needful for the prudential affairs of the Town, and Orders made by the major part present that may lawfully vote; the Meeting being orderly warned shall be binding to the Town; and every Town hath liberty and power, to lay penalty on any Inhabitant of their Town for non-observance of any one Town Order not exceeding twenty shillings; provided no Town Order infringe or be repugnant unto any Order of this Court.

Townsmen's
Orders

1. Ordered, That the Constables in their respective Townships, shall warn Town-Meetings when, and as they shall receive Orders from a Magistrate, two Select Men, or the Deputies of the Town, in penalty of twenty shillings fine, to be paid for his neglect, for the use of the Town.

Constable to
warn Town-
Meetings

3. Ordered, That henceforth none shall have power or liberty to vote in any Town Meeting; but Freemen of the Corporation, or Free-holders of twenty pounds, or if not Free-holders thirty pounds Ratable Estate, Orthodox in the Fundamentals of Religion; of good Conversation, and having taken the Oath of Fidelity; and such as have been allowed under such Qualifications; and if any shall presume to Vote that are not qualified according to Law, shall pay five shillings fine to the Town; and if it appears that any have done it through ignorance, they shall be excused the first time; and that there be a Record kept by the Town Clerk of all such as have taken the Oath of Fidelity.

Who have li-
berty to vote in
town-meet-
ings

4. Ordered, That all Fines due to the Town, be paid to the Select Men for the Towns use; and for non-payment, to be Distrained by the Constable, by Warrant from a Magistrate or two of the Select Men, the Delinquent being convict thereof.

Fines to the
Town to be
paid to the Se-
lect Men

5. Ordered, That every Town in this Colony annually chuse their Grand-Jurors, Surveignors, Constables and Sealers, where they are needed, timely, so as to have their Names returned by the Town Clerk to the County Court, on penalty of five pounds fine to the County; and twenty shillings for the Clerk to pay for his neglect.

Choice of
Town-officers

Who to be the
Town charge.

6. It is Ordered, That if any Strangers or Forreigners, or others come to dwell or sojourn in any Town or Village in this Government, and be there received and entertained three Months, if by sickness or lameness, or otherwise he comes to want relief, he shall be provided for by that Town that so long entertained him, and shall be reputed their proper Charge, unless such Person within said three Months have been warned by the Constable or some one or more of the Select Men of the Town not there to abide, signified to the next County Court by said Constable or Select Men, together with the time such person came into said Town, and the time when he was warned out: In such Case he or they falling into want not being properly Inhabitants of some Town in the Colony, shall be relieved as there is necessity at the Counties charge, and disposed as the County Court shall see meet.

7. To prevent Damage to Towns and Charge to the Counties;

Persons warn-
ed out of any
Town, no
stranger to be
employed or
entertained,

It is Ordered, That whensoever any Person hath been orderly warned to depart any Town, that whatsoever person shall fourteen dayes after such warning, either imploy or entertain any one so warned, for every week he so employes or entertains any such person, shall pay *ten shillings a week* fine and the party *five shillings* to the Town, and so proportionable for more or less time; the same to be distrained by a Warrant from a Magistrate or other Person Authorized; the person so Transgressing being convict thereof.

Those that
have been In-
habitants of
another Town
to remove
back to that
town.

8. Ordered, That any Person orderly warned to depart any Town, if he were before his coming to said Town a lawful Inhabitant of any other Town of this Colony, he shall by said Constable or Select Men be ordered to Remove back to said Town, which if he neglect or refuse to do fourteen days after such warning, he shall by a special Warrant from a Magistrate or other Person Authorized be sent to the Town or Place to which he belongs: Or if he belong to any other Jurisdiction, in like manner to be sent away any time in three Months from Constable to Constable.

whipping post
and stocks in
every Town.

9. Ordered, That every Town in this Colony shall have a sufficient pair of Stocks, and a Whipping Post; or for defect shall pay *twenty shillings* fine to the County, every three Months they are without.

Who shall be
allowed to be
Housekeepers

10. Ordered, That none be allowed to be House-keepers, or build any Cottage until they have allowance of the Governour, some Magistrate or the Select Men of that Town; and that a special care be taken that no single person that is of evil Conversation, or hath not Arms to serve the County be suffered to keep such House or live alone, or be admitted to be an Inhabitant of any Town.

He that brings
in any to be
a charge shall
secure the
Town

11. Ordered, That if any Person, whether Master of any Vessel or other, do bring in any into any Town or Plantation in this Government, without the Approbation of the said Town or Select Men, or do entertain or receive any that come in, and are not so allowed, but are at the time of their coming or within three Months after excepted against by the Constable or some one of the Select Men of the Town, he or they that so bring in or entertain any such Persons, likely to be burthenfom or chargeable, shall either carry them away again, so as to free the Town of them, or give Security to free the said Town from charge concerning him whilst he is there resident.

But if any Man bring in an Apprentice or Covenant-Servant for years that is at present sound and well, Bonds shall not be required of such Master; but

but if his Servant fall sick or lame, he shall be maintained by his Masters particular charge, during the Date of his Indentures or Covenant; but afterwards be relieved by the Town.

But if an Apprentice only during his time

12. Ordered, That every Town in this Government shall maintain their own poor: But if any Children or Elder Persons shall be sent or come from one Town to another to be Nursed, Schooled or otherways Educated; or to a Physitian or Chyrurgeon to be cured of any Disease or Wound, &c. If such come to stand in need of Relief, they shall be Relieved and Maintained by the Township from whence they came, and not by that Township where they are so Nursed, Educated or at Cure: and in case they come or be sent from any place out of this Colony; then if the Nurse, Educator, Physitian or Chyrurgeon do not take good Security to discharge the Town wherein he lives from all cost and charge which shall or may befall concerning them; he that so received them shall be the Towns security in their behalf.

Poor to be maintained, by whom.

13. Ordered, That no person shall come into any Town or Peculiar in this Government to live and inhabit without the leave and approbation of the Governour, or two of the Assistants at least; and all Constables and Select Men are to take notice of, and inform of the breach of this Law.

None shall come to inhabit without leave.

14. Ordered, That whosoever being Resident within this Government shall refuse to take the Oath of Fidelity, being orderly called thereunto, either by the Constable or any Magistrate, or the Select Men where he dwells, he shall be Amerced to the Colonies use five pounds, which if he cannot, or will not pay, he shall be punished by imprisonment or otherwise as the Court shall Order.

Penalty of refusing the oath of fidelity.

15. Ordered, That if any shall Herd Cattle on Lands that are another mans in Propriety, though not inclosed, and will not forbear so to do being warned by the Owner or present possessour of such Lands it shall be accounted a Trespas Actionable.

Trespas to herd on any mans propriety.

Whereas Complaint is made that much Timber is felled and let ly and Rot on the ground, and not timely improved by such as fall it, to the great wast of Timber and spoil of the Commons.

16. It is therefore Ordered by this Court, &c. That whosoever shall Fall any Timber on the Common, and doth not either Square or Rive it within three Months after it is Felled, it shall be lawfull for any other of that Town to improve it as they see meet; and after Squared or Rived, or not fetcht away in a twelve Month, it shall be lawfull for any of said Town to have the same for carrying away.

Timber felled and not improved forfeit.

17. That Towns may be careful to chuse suitable Officers;

It is Ordered, That if any Person chosen to any Town Office shall complain of the same to the Court that hath the proper Cognizance thereof, and it appear that it is matter of oppression or very unreasonable, or that they have not been orderly chosen, or duly qualified, they shall dismiss such Person, and order the Town to chuse another in their Room.

Fit Officers to be chosen and none oppressed

18. Ordered, That every House-holder have a good Ladder in repair or fit for Service and suitable to his House, alwayes in readines at or near his House in penalty of ten shillings fine to be paid to the Town.

A Ladder to every House;

Town Bounds
how settled

19. It is Ordered by the Court; That every Town procure their Bounds to be set out within twelve Moneths after the end of this Court, by such persons as the Court of Assistants shall appoint to lay out the same, where such Bounds are not already laid out, or decide any difference (where they are already laid out) that may arise between any parties concerned therein, whither the Towns, Countrey or any other persons, to whom any Lands are granted, saving to the grieved person his remedy at Law. And that in every Town, the Town or Select-Men appoint two or three persons, who on notice given to, or by the adjacent Towns, shall once in every two or three years go to the Bounds between them, to view and renew their Bound Marks; which shall be a heap of Stones, or a Trench six foot long, and a foot and half deep, and two foot broad, upon pain of five pounds for every Town that neglects the same.

How between
Neighbour &
Neighbour

And that each Proprietor of Lands in any Common Field, or lying unfenced, that shall not once in a year or two years, on warning given him by his Neighbour, attend such Meetings to keep up the Bounds betwixt them, which shall be sufficient Meat-stones, shall forfeit ten shillings for such default; the one half to the party moving, and the other half to the Countrey.

And that two or three Men shall be appointed by each Town to decide any difference between the Neighbours, or between the Town and any of the Inhabitants, about the Bounds of their Lands, saving to the grieved party his remedy at Law.

CHAP. XVI.

Watches.

Watches how
to be ordered
& attended.

Ordered; That the Town Council in any Town, on any occasion to them seeming meet, shall Order any Military or Constables Watch within their Town, and all persons in the Town not excepted by Law, must attend Military Watches, on such penalties as is Ordered: And all Male persons and House-holders of the Town of sixteen years and upwards, except Magistrates, Ministers, Elders, Physicians, Countrey and County Clerks and Marshals, and Commission Officers, or other persons excused by the Town Council, shall attend Constables Watches, being warned by the Constable or his Deputy, at such time and place as they appoint, either by themselves or a sufficient hand, under the penalty of two shillings fine to the Town, for non-payment to be distrained by a Warrant from a Magistrate: If a Military Watch, to attend such Orders as they receive from their Commander; if a Constables Watch, such Orders as they receive from the Constable; and the Constable to receive his Orders from the Town Council.

at night

Watches, at night, shall be kept by the Constable, or his Deputy, at such time and place as they appoint, either by themselves or a sufficient hand, under the penalty of two shillings fine to the Town, for non-payment to be distrained by a Warrant from a Magistrate: If a Military Watch, to attend such Orders as they receive from their Commander; if a Constables Watch, such Orders as they receive from the Constable; and the Constable to receive his Orders from the Town Council.

Witnesses.

1. **O**Rdered; That any Court, Magistrate or Person Authorized, may take the Testimony of any person of fourteen years of age or upwards, of sound Understanding and good Reputation, in any case Civil, Criminal or Capital, where it may be to have both parties present, or some in their stead, or by their Order, when the same is done; such Testimony not to be delivered to the party, unless Sealed up and directed to the Officer of the Court where the same is to be made use of, otherwise to keep it safe until there be occasion for the same, and it be called for by the party concerned: and where any Testimony is taken, and the parties not together, as before in such Cases, such Witness to be present at the Court or Place where they are to give in, or the same to be made use of, if the party be within the County at such time, and not prevented by the providence of God; otherwise such Testimony not to be accepted in any Court or Case.

How Testimonies be taken,

2. Ordered; That in Capital Cases, Witnesses shall be present, and testify *Viva voce*.

How in cases Capital

Ordered; That every Testimony be writ by him or them that are to Swear.

Testimonies to be writ, &c.

3. The same or such as are not Parties in the Case, otherwise to be rejected, unless such taken when both parties are present: Witnesses Summoned that shall neglect to appear according to their Summons, shall be liable to all damage sustained for want of their Testimony.

Penalty for non-appearance

4. Ordered; That where persons are tried in Cases Capital or Criminal, and the Party cleared; such Witness as have been Summoned, shall be paid by the respective Treasurers, if they are to go out of the Town they live in, to Witness.

Witnesses how to be paid

Wills.

1. **W**Hereas it is Ordered by this Court that all persons having Estate Real or Personal, being of competent age, understanding and memory, may by Will dispose thereof, as he or they see cause;

Wills to be witnessed

It is therefore Ordered by this Court and the Authority thereof; that all such Disposals and Testaments of Lands and Hereditaments in Writing, be Sealed by the Testator or his Order in his presence, before two or three substantial Witnesses, that may be able to testify that it was his Will, and that he was when he so Signed, Sealed or Declared it in such capacity as is above expressed.

2. Ordered; That such Wills and Testaments be Exhibited to be proved by the Executor or Executors at the next County Court after the Death of the Testator, if it may be: and that a true Inventory of the Estate duly valued be presented to be Sworn to, and left to be Recorded with the Will; and the Probate shall not be taken until such Inventory is presented, or sufficient Bond given for the speedy performance of the same.

and proved at Court
An Inventory to be taken &c with the Will Recorded,

And forasmuch as some persons may be suddenly surprized, that they may not have opportunity to make a written Will;

S

3. It

Wills noncu-
pative

3. It is Ordered by this Court; That if any person do make a Will Non-cupative, or a verbal Disposure of his Goods and Chattels, it be before two or three good substantial Witnesse, that are neither Heirs nor Legatees; and they shall within three dayes commit it to Writing, and make Oath to it at the next County Court, provided such Disposure were in his last Sick-ness, or not above six Moneths before his Death, it shall be accounted good in Law; but such Will shall not be approved of or allowed, until fourteen dayes after the death of the party, and notice given to the Widow and next of Kin, that they may contest the same if they see cause.

Executors to
present the
Will to pro-
bate

4. Ordered, That if any Executor shall refuse or neglect to present the Will of any Deceased, in order to a Probate more than one Moneth after the County Court that happens next after the Decease of any such person, and that so refuseth or neglecteth, shall pay *five pounds* fine to the County, and so *five pounds* for every Moneth he shall neglect the same afterwards.

What in case
Executors re-
fuse their Ex-
ecutorship

5. Ordered, That if any person shall renounce his or their Executorship, it shall be in open Court, or appear to the Court by sufficient Testimony, or before two Magistrates, the Clerk being present to Record the same; in such case the Court or said two Magistrates, may grant Administration to the Widow, or the Widow and some other of the Kindred: if the Widow refuse, to some of the next Relations that desire the same: if such refuse, then to be granted to some one or more of the chiefeest Creditors: But if they do not desire the same, then to be granted to such as the Court or two Magistrates shall see cause; and said Writing made out to be the mind of the Testator, shall be the Rule for their Administration, if capable thereof.

In what case
Executors
or others Ad-
ministring shall
be liable to an-
swer all debts
& dues

6. Ordered; That if any Executors or other, shall Imbezel any Estate, or Alienate and Dispose of any Estate of the Deceased otherwise than for Funeral Charges and of matters necessary for the Family: and for the securing of such Estate before the Probate of the Will, or his having taken out Letters of Administration, and presenting an Inventory of all the known Estate, or giving Bond so to do in such case; every person so Executing or Administring, shall be liable to respond all Debts and Dues, and pay all Legacies, whither the Estate be sufficient or not.

Ordered, That any Executors or Administrators, after they have proved any Will, or obtained Administration, shall be liable to be Sued, and respond for any Wrong or Damage any may sustain by reason of his or their male Administration.

Administrators
to be bound by
two sufficient
Sureties

7. Ordered, That whosoever takes out Letters of Administration, shall be Bound with two sufficient Sureties, that they shall Administer according to Law; and if the same be neglected, the County Court to take the best care therein they can for the securing the Estate and appoint Administra-
tion thereon.

Dispose of In-
testates estate

8. Ordered; That if any person shall die Intestate, Funeral Charges and Debts being paid, and such Sum set apart as the County Court shall see meet for the bringing up of small Children, or to be allowed for any Child that is Lane, Decrepit, or otherwise Helpless, and like to be more than ordinarily chargeable: The remainder of Goods and Chattels to be disposed of as follows; one third part to the Widow, the other two thirds to be equally divided among the Children, discounting with each Child what appears

appears they had before received in part of their Portion, saving to the eldest Son a double portion, if the Lands assigned to him do not amount unto a double Portion of the whole Estate real and personal.

9. Ordered also, That if any person dieth Intestate, having Lands in fee simple, whereby such Lands descend to the Heir Male, and there be divers Daughters, and no considerable Estate besides Lands when Debts are paid, so that Daughters cannot have Portions in any measure according to such Intestate Estate, the County Court out of which Administration of any such Estate was granted, and where the Land lieth, shall have power upon due consideration of such case, to appoint such Heir or Heirs male, to pay to the Daughters Portions at such time, and in such manner, and so much as to said Court shall be just and reasonable, not exceeding to one Daughter the portion of any younger Brother: which he hath by descent, and from and by Division of the Intestate Goods and Chattels: and if such Heir or Heirs, if of full age, or their Guardian or Guardians, for such or so many as are under age, shall not pay such Portion or Portions, as the Court hath Ordered and Appointed, and set down upon Record: The Clerk of said Court, by order of Court, shall grant Execution for such Portion or Portions so be Levied on such Lands as so descended, or other sufficient Estate, which shall be delivered to the Party: and if it be Lands, it shall be as good an Estate to Her and Her Heirs, as in other case of Lands delivered on Execution.

Daughters portions how paid

Wolves.

Ordered, That if any English man kill a Wolf in this Colony, if he bring in the Head to the next Constable, he shall have a Receipt of the Constable for the same; and shall be allowed twenty shillings: And if an Indian kill a Wolf in this Colony, and bring the Head to the next Constable, he shall have a Receipt, and shall be allowed a Coat of Duffels; or twelve shillings: for Wolf Whelps there shall be allowed a quarter price; and the Constable of each Town to signify under his hand the Names of the Men, and the number of the Wolves, and how many killed by English, and how many by Indians, of all he hath passed Receipts for, unto June Court: such Sum to be raised with other Country charges, and discounted with the several Towns out of their proportion of the Country Rates: and such in the Town as produce those Receipts to have it discounted with them, or paid to them by the next Constable: and if the Constable shall wittingly give in to the Treasurer a false Account; or if any person kill Wolves out of the Patent, and come here for pay for the same, each shall be liable to such reasonable penalty or punishment as the County Court shall think fit.

Killing of Wolves what, and how to be paid

Wicks

Wrecks.

How Wreckt
Goods shall be
secured & dis-
posed.

1. IT is Ordered ; That where any Wreck shall be cast upon any Shore of this Colony, or taken in any River, Creek or Bay belonging to the same, such Goods shall be seized by the chief Marshal or Constable of such Town where they shall be cast, and by them secured and delivered according as they may have Order from some one or more of the Magistrates, to some person or persons to keep and secure the same ; that if any Sue for the same, and make it appear before two Magistrates, that they are the Owners thereof, any time within a Year and a day, that such Goods shall then without delay be delivered to him or them so proving or appearing to be the Owners thereof, he or they making due satisfaction to all Persons and Officers, who were employed in saving and securing the same. But if no Owners appear in the year and a day, then all such Goods shall be delivered to the Countrey Treasurer for the Colonies use ; who shall make due satisfaction to all Persons & Officers who were employed in saving and securing the same : And if any person shall presume to seize, receive, or take any such Goods, and not give speedy notice thereof to Authority here established, he shall be Imprisoned and Fined, not exceeding double the value thereof.

No violence or
wrong be offer-
red to persons
or goods in ves-
sels driven a-
shore.

2. Ordered ; That if any Ship or Vessel be driven ashore ; be it Friend or Enemy, there shall be no violence used, nor wrong offered to their persons or Goods : their Persons shall be Relieved and Harboured, and their Goods preserved in safety until Authority may be certified, and give further order therein.

Officers Fees.

67

The Secretaries Fees.

	L	S	D
FOR Entering a Freeman,	00	00	06
<i>The Fees of the Recorder of the Court of Assistants and County Court Clerk, shall be as followeth.</i>			
FOR a Warrant for the Peace, Good Behaviour, or any other by Order of Court of like nature.	00	01	00
For a Bond of the Peace or Good Behaviour,	00	02	06
For a Release of such Bond,	00	02	06
For Entering of an Action,	00	02	00
For a Supeny,	00	00	06
For Transcribing of any Evidence, for every Page consisting of twenty eight Lines, eight Words in a Line, and so proportionable to eight pence a Page, for what it doth exceed,			<i>Eight pence per Page.</i>
For Entering of Deeds <i>Verbatim</i> , not exceeding <i>twelve pence</i> a Page, and proportionably to <i>eight pence</i> a Page for what it doth exceed,			
For Attesting the Record on the Original Deed, <i>six pence</i> ; and in like manner for Wills and Inventories.			
For Entering an Order for the settling of Intestates Estate, <i>twelve pence</i> or more, according to the proportion of the Writing,			
For Entering of the Proceedings in any Criminal Cases or Presentments, with the Judgment of the Court therein to be paid by the Delinquent	00	02	06
For Entering a Judgment Acknowledged	00	01	00
For making an Execution,	00	02	00
For Entering and Recording of the Execution, with the Officers Return,	00	02	00
For Bonds of Appeal,	00	01	00

Chief Marshals Fees.

FOR Levying an Execution <i>five shillings</i> , and for his Journey out <i>two pence</i> a Mile, and Home <i>two pence</i> a Mile, out of his own Town.			
For Serving an Attachment,	00	02	06
For Serving a Summons,	00	01	00
For Distrels for a Rate,	00	01	00
For keeping a Prisoner committed to him by the Court <i>per day</i>	00	02	06
And for Commitment of such Prisoner to him,	00	02	06
For every Action Entred,	00	00	06

The Jaylors Fees.

FOR Commitment to Prison,	00	02	06
For Release out of Prison,	00	02	06
For keeping of a Prisoner with Diet, <i>four pence per day</i> , besides what he is allowed out of the Treasury.			

T

The

The Oath of the Governour.

WHereas You T. H. Esq; are Chosen to the place of Governour over this Jurisdiction of *New-Plimouth* for this Year ensuing, and till a new be Chosen and Sworn; You shall Swear to be truly Loyal to our Sovereign Lord the King, His Heirs and Successors; and according to that measure of Wisdom, understanding and discretion that God hath given you, faithfully, equally and indifferently, without respect of persons, according to the Laws of this Colony, Administer Justice in all Cases coming before You, as the Governour of this Colony of *New-Plimouth*. You shall in like manner faithfully, duely and truly Execute the Laws and Ordinances of the same; and shall labour to advance and further the good of the severall Plantations within the limits thereof, and oppose any thing that shall seem to hinder the same by all due means and Courses,

The Oath of the Deputy Governour

VHereas you W. B. are Chosen to the Place of Deputy Governour over this Colony of *New-Plimouth*, &c. as in the Governours Oath, *Mutatis Mutandis*.

The Oath of the Assistants

You shall all Swear to be truly Loyal to our Sovereign Lord the King, His Heirs and Successors: And you shall faithfully, truly and justly, according to that measure of discerning and discretion God hath given you, be Assistant to the Governour for this present year, for the Execution of Justice in all Cases, and towards all persons coming before you, without partiality, according to the nature of the Office of an Assistant: Moreover you shall diligently, duely and truly see that the Laws and Ordinances of this Corporation be faithfully executed; and shall labour to advance the good of the severall Plantations within the limits thereof; and oppose any thing that shall hinder the same by all due means and courses.

So help you God, who is the God of Truth and Punisher of Falshood.

The Oath of Fidelity, or of any residing in this Government

YOU shall be truly Loyal to our Sovereign Lord the King, His Heirs and Successors; and whereas you make choice at present to Reside within the Government of *New-Plimouth*, you shall not do or cause to be done any act or acts, directly or indirectly, by Land or Water, that shall, or may tend to the destruction or overthrow of the whole, or any the several Plantations or Townships within the said Government that are or shall be orderly Erected and Established, but shall contrarywise hinder, oppose and discover such Intents and Purposes as tend thereunto, to the Governour for the time being, or some of the Assistants with all convenient speed. You shall also submit unto and obey such good and wholsome Laws, Ordinances and Officers as are or shall be established within the Limits thereof: So help you God, who is the God of Truth and Punisher of Falshood.

The Oath of a Freeman.

YOU shall be truly Loyal to our Sovereign Lord the King, his Heirs and Successors. You shall not speak nor do, devise or advise any thing or things, Act or Acts, directly or indirectly, by Land or Water, that doth, shall or may tend to the destruction or overthrow of these present Plantations or Townships of the Corporation of *New-Plimouth*; neither shall you suffer the same to be spoken or done, but shall hinder, or oppose and discover the same to the Governour and Assistants of the said Colony for the time being, or some one of them. You shall faithfully submit unto such good and wholsome Laws and Ordinances as either are or shall be made for the Ordering and Government of the same; and shall endeavour to advance the good and growth of the several Townships and Plantations within the limits of this Corporation, by all due means and courses. All which you Promise, and Swear by the Name of the Great God of Heaven and Earth, simply, truly and faithfully to perform, as you hope for help from God, who is the God of Truth and the punisher of falshood.

The Secretaries Oath

YOU shall faithfully Serve in the Office Secretary of the General Court and Council of this Colony of *New-Plimouth*, for this present year, and till another be chosen; You shall faithfully preleve and keep all such Books, Records, Files and Writings as shall be committed to your Custody; You shall truly Enter and Record all Acts, Graunts and Orders of the

General Court, and whatever you shall receive Order and Direction from the said Court to do, you shall give true Copies of all such publick Records, Graunts, or Writings, which shall be in your custody under your hand at any persons Request; you shall not disclose the secrets of the General Court or Councils; you shall Extort no other Fee for doing any thing concerning your Office but what you shall be allowed by Law; you shall give your attendance at all such Courts and Councils, and shall faithfully do all things Appertaining to your Office: So, &c.

The Oath of the Recorder of the Court of Assistants

YOU shall faithfully Serve in the Office of Recorder of the Court of Assistants; you shall faithfully preserve and keep all such Books, Records, Files and Writings as shall be committed to your custody: You shall truly Enter and Record all Acts, Judgments, Verdicts, Fines and Sentences of the said Court; And whatsoever you shall Receive Order and Direction from the said Court or Order of Law to do, you shall Issue out and deliver all Executions & Orders of the said Court, & warrants, summonses in all such cases as by Law you ought; you shall give true Copies of all such Publick Records, Files and Writings, which shall be in your custody, under your hand at any Persons Request: You shall Record and File all such Returns of Executions of Marshals or Constables, which Issued out of the said Court, and shall faithfully do all things Appertaining to your Office. You shall Extort no other Fee for doing any thing Appertaining to your Office but what you shall be allowed by Law, &c.

The Oath of the Clerk of the County Court.

YOU shall faithfully Serve in the Office of a Clerk of the County Court; You shall faithfully preserve and keep all such Books and Records, Files and Writings as shall be committed to your custody; you shall timely Enter and Record all Acts, Judgments, Verdicts, Fines, Sentences and Orders of the said Court, and all such Deeds, Evidences, Instruments and Writings which shall be brought to you for that End, which by Law you may or ought to Record; and also what you shall Receive Order or Direction from the said Court so to do; you shall give true Copies under your hand of all such publick Records or Writings as shall be in your custody at any Persons Request; You shall Issue out and Deliver all Executions and Orders of the said Court, and Warrants and Summonses in all such Cases, as by Law you ought: You shall Record and File all such Returns of Executions of Marshals and Constables which Issued out of the said Court, and shall faithfully do all things appertaining to your Office: You shall Extort no Fee for doing any thing appertaining to your Office, but what you are allowed by Law, &c.

The Select mens Oath.

YOU being Chosen Select Men of the Town of *Plimouth*, you shall do equal Right to all Persons after your Wisdom, Skil and power in all such Cases as shall come before you concerning your Office according to the Laws here Established: You shall endeavour the due Execution of all such Laws as are committed to your Inspection as Select Men, so help you, &c.

The Oath of the Grand Jury

YOU shall faithfully Inquire into, and true presentment made of all things given you in charge; you shall present nothing of Malice or ill-will, your own counsel and your Fellows, in reference to this Oath you shall well and truly keep, so help, &c.

The Oath of the Chief Marshal

YOU shall be truly Loyal to our Sovereign Lord the King, His Heirs and Successors; You shall carefully endeavour the conservation of the Peace of our said Lord the King, as the head Marshal of the Colony of *New-Plimouth*; You shall Arrest all Traitors, Felons and Perturbers of the Peace, that you shall know or be informed of; and carry them before the Governour or some of his Assistants, and there attend such Order therein as shall be given you; You shall personally attend all General Courts, Courts of Assistants, Commissioners Courts, and the Governours person especially at such Courts; You shall readily Serve all Attachments, Summons's, Precepts and Warrants whatsoever, which you shall receive from the Governour, Assistant or others Authorized thereunto; You shall faithfully Levy, Collect and Gather all such Rates, Fines, Forfeitures, Wrecks and other dues whatsoever, belonging to this Colony, or which by Order of Law and Warrant from Authority you shall be required to do, and the same deliver unto the Treasurer or his Order, or party concerned; You shall truly Levy and Serve all Executions you shall receive from Authority, and the Money, Goods Chattels or Lands you shall Levy by such Execution, deliver to the party or parties to whom due or belonging; You shall carefully keep all persons which shall be committed to your Custody; You shall readily obey and execute all such Commands and Sentences of the Governour or any of the Courts, as according to your Office you ought to do by Law; You shall deal justly and uprightly, and without partiality in the Discharge of your Office; You shall extort no Fee, Gift or Reward for doing your Office, but only what you may take by order of Law.

The Oath of the Under-Marshal, or Goal-Keeper.

YOU shall well and truly Serve in the Office of Under-Marshal and Goal-Keeper, for the Colony of *New-Plimouth*; You shall readily Receive into your Custody, all such Persons as by Warrant or Mittimus from Authority or Order of Law shall be brought to you; and them in safe Custody shall keep till they shall thence be delivered by due course of Law: You shall personally attend all such Courts of Assistants, and General Court, as shall be Holden at *Plimouth*: You shall Execute and Inflict all such Sentences and Punishments, as by Authority shall be adjudged to be Inflicted upon any Delinquents or Offenders, without favour or partiality; and shall take only such Fees for doing your Office as by Law are allowed: So, &c.

The Oath of a Constable.

YOU shall Swear to be Truly Loyal to our Sovereign Lord the King, His Heirs and Successors: You shall faithfully serve in the Office of Constable, in the Award of *Plimouth*, for this present year; during which time, you shall carefully endeavour the Conservation of the Peace of our said Lord the King. You shall Arrest all Traitors, Fellons, Perturbers of the Peace, and all other Suspicious Persons, that you shall know or be informed of, and carry them before the Governour, or some one of his Assistants; and there attend such Order therein, as shall be given. You shall readily and truly Serve all Attachments, Summons, and Warrants whatsoever you shall receive from the Governour, Assistants or others Authorized thereunto. You shall faithfully Levy, Collect and gather all Executions, Rates, Fines, Forfeitures, which you shall Receive or have Order for; and the Money Goods, Chattels, or Lands so levied, gathered or distrained, you shall deliver to the Party or Parties concerned, or to whom it is due. You shall readily Obey, and Execute all such Commands and Sentences of the Governours Assistants, or any of the Courts, as according to your Office you ought to do by Law, and shall faithfully endeavour the Execution of those Laws which refer to your Office; and in all things you shall deal justly and uprightly in the Execution of your Office: So, &c.

The County Marshalls Oath.

YOU shall be Truly Loyal, to our Sovereign Lord the King, his Heirs and Successors: you shall carefully endeavour the Conservation of the Peace of our said Lord the King, as the Marshal of the County of *Plimouth*. You shall Arrest all Traitors, Fellons, and Perturbers of the Peace that you shall know or be informed of, and carry them before the Governour, or some one of his Assistants, and there attend such Order therein, as shall be given you.

You shall attend personally at all County Courts; you shall readily serve all Attachments, Summons, Presentments and Warrants whatsoever, which you shall Receive from the Governour, Assistants, or others Authorized thereunto: You shall faithfully Levy, Collect and gather all such Rates, Fines, Forfeitures, and other dues whatsoever, belonging to the County, or such as you shall by Order of Law, or Warrant from Authority, be required to do, and the same deliver unto the County Treasurer, or party concerned therein: You shall truly Levy and Serve all Executions you shall receive from Authority; and the Money, Goods, Chattels or Lands you shall Levy by such Execution, you shall deliver to the Party or Parties to whom due or belonging: You shall carefully keep all persons which shall be committed to your custody; You shall readily Obey and Execute all such Commands and Sentences of the said Authority, as according to your Office you ought to do by Law: You shall deal justly and uprightly, and without partiality in the discharge of your Office. You shall extort no Fee, Gift or Reward for doing your Office, but what you are allowed by Law:

The Oath of the Jury of Trials, between the King and Prisoner.

You shall well and truly try, and true deliverance make between our Sovereign Lord the King, and the Prisoner at the Bar, whom you shall have in Charge, and true Verdict give according to your Evidence: So help, &c.

The Oath of a Jury of Trials between Party and Party.

You shall well and truly Try the issue between Party and Party, and true Verdict give therein according to your Evidence: So help, &c.

The Oath of a Jury to inquire of the Death of any Person.

You shall faithfully inquire how, or by what means, and in what manner, and when and where R. K. came by his Death, and if you find he was murdered; that you inquire by whom, and who were Accessaries; and that you shall true Verdict give according as you find: So help you, &c.

To the Marshal of the County of P. Greeting:

WHereas A. B. of P. at the County Court held at P. the third Tuesday of March last; by the Judgment of the said Court Recovered Debt, Damage and Costs, to the value of Pounds Shillings in Money against C. D. of M. as by Record of said Court appeareth;

These are therefore in His Majesties Name, to Require you on Receipt hereof, to repair to the House or Place of usual abode of the said C. D. and there demand the said Sum, and two shillings for this Execution and your allowed Fees; and upon Refusal or Non-payment, that you Levy the same by Distress on the Goods and Chattels; and for want thereof, upon the Lands of the said C. D. according to Law: and for want of Estate, that you Levy it on his Body, and deliver him to the Keeper of His Majesties Goal at P. there to remain till satisfaction be made of the said Debt, Damages and Charges; and that you make a true Return hereof and doings hereupon to the Clerk of the said Court. Dated, &c.

Per Curiam R. B. Clerk.

TO the chief Marshal, or Marshals of the County of P. or Constable of S. &c. (you may put in only one of them as the case may be)

Whereas A. B. of P. Complaineth against C. D. of M. in an Action of Debt to the Damage of five Pounds in Money, for Non-payment of fifty shillings in Money due to the said A. B. by Bill, Dated, &c. or by Book, or by Account, or by Covenant, or Contract, or for Money Lent, or the like; which the said C. D. unjustly detaineth.

These are therefore in his Majesties Name to Require you on Receipt hereof, to Summon the said A. B. to make his Appearance at the County-Court, to be holden at P. the third Tuesday in March next; to answer the said Complaint: Hereof fail not, and make a true Return hereof, and doing hereupon to the said Court

Dated at P. &c.

Per Curiam J. B. Clerk.

The Officers Return.

*This Summons was Served January &c. by M. R. L. Constable
Or for an Attachment.*

These are therefore in his Majesties Name to Require you on Receipt hereof, to Attach the Estate to the full value; and for want thereof, the Body of the said A. B. and take sufficient Security for his Appearance at the County-court to be holden at P. the third Tuesday in March next, to answer the said complaint, and to be forthwith coming, six days after Judgment given in the said Case, to Respond the Judgment: Hereof fail not, and make a true Return hereof and doings hereupon to the said Court

Dated at P. &c.

Per Curiam J. B. Clerk.

The

The Return

I Have Attached the Goods or Lands of said A. B. at his House or Place of Abode, to sufficient Value, and left Summons
Or I have Attached the Body of said A. B. and taken sufficient Security
Or I have Attached the Body of said A. B. and delivered him to the Keeper of the Goal at P. for want of Security;
Per mee R. L. Constable.

K Now all Men by these Presents, that we A. B. & D. E. of C. Tsemen, &c. Are Holden, and firmly Obliged unto W. B. Marshal of the County of B. or to T. T. Constable of S. in the penal Sum of Pounds Currant Money of New-England, to the true Payment whereof, We Bind our selves, our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents; Sealed with our Seals: Dated, &c.

The Condition of this Obligation is such, that if the above Bounden A. B. shall personally appear at the next County Court to be holden at B. to Answer R. F. in an Action of Debt, or, &c. and to abide Trial there, and at such Court as shall be Appealed to, till Judgment Entred, and shall be forth coming six dayes after Judgment, that then this Obligation to be void, &c.

X

THE

Mr. R. H. R. R.

These items are the property of the U.S. Government and are being loaned to you for your information. They are not to be distributed outside your agency.

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FINIS,